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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Combined initial, second and third periodic reports of States parties

Estonia*

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* The present report is being issued without formal editing.

Article 1.

> **For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.**

The Republic of Estonia acceded to the UN Convention on the Elimination of All Forms of Discrimination against Women on 26 September 1991. The Convention entered into force in respect of Estonia on 20 November 1991 and it has been published in the official gazette *Riigi Teataja* (RT II 1995/5-6/29).

Pursuant to Article 12, paragraph 1 of the Constitution of the Republic of Estonia (RT 1992, 26, 349), everyone is equal before the law. No one will be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or on other grounds.

In current Estonian legislation, the term "discrimination against women" has not been defined. Likewise, there is no legal definition of either direct or indirect discrimination on the basis of sex.

The public awareness of human rights issues has gradually developed after regaining the independence in 1991. Likewise the question of sex discrimination has started to gain more attention in recent years. In 1995-2000, the Estonian Government analysed the situation of women in Estonia and their possibilities to exercise fundamental rights in different spheres of social life, trying also to open up the content of the term for the wider public. As the result of these studies the Government decided that it was necessary to draft a special law concerning gender equality. The Ministry of Social Affairs has prepared the *draft Gender Equality Act* and presented the draft to the Government. The draft Act clarifies the terminology and definitions with regard to gender equality, prohibits direct discrimination and provides measures against indirect discrimination.

Article 2.

> **States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:**
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> **(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;**

In accordance with Article 3 of the Constitution, generally recognised principles and rules of international law are an inseparable part of the Estonian legal system.

Article 123 of the Estonian Constitution states that if laws or other legislation of Estonia are in conflict with international treaties ratified by the Riigikogu, the provisions of the international treaty shall apply. Thereby the Constitution establishes the principle of priority of international treaty provisions over the national legislation. The principle does not apply to constitutional norms because the above provision prohibits concluding international treaties which are in conflict with the Constitution.

Based on the above, the UN Convention on the Elimination of All Forms of Discrimination against Women as an international treaty is directly applicable in the courts.

Chapter 2 of the Estonian Constitution includes fundamental rights, freedoms and duties of people. The prohibition of discrimination on the basis of sex is expressed in Article 12 of the Constitution: Everyone is equal before the law. No one shall be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or on other grounds.

Pursuant to Article 27 of the Constitution, spouses have equal rights. In accordance with current legislation, marriage is contracted between a man and a woman, and both will enter into contractual relationships independently and under their own name.

Analysis of Estonian legislation has shown that very few provisions could potentially be used to discriminate between men and women – in general, the language of Estonian laws is gender-neutral. However, there is no legal definition of discrimination in Estonian legislation and the terms "direct and indirect discrimination" are not recognised or distinguished. Among the current laws, for example, the *Employment Contracts Act* (RT 1992 15/16, 241) and *Wages Act* (RT I 1994, 11, 154) contain separate provisions on the prohibition of discrimination.

1) According to the Article 10 (1) of the *Employment Contracts Act*, it is illegal to allow or give preferences, or to restrict rights on the grounds of the sex, nationality, colour, race, native language, social origin, social status, previous activities, religion, political or other opinion, or attitude towards the duty to serve in the armed forces. It is also illegal to restrict the rights of employees or employers on the grounds of marital status, family obligations, membership in citizens' associations, or representation of the interests of employees or

employers. For further information on the *Employment Contracts Act* and exceptions under it, see Article 11, paragraph 1, point (b) in the Report.

2) Article 5 of the *Wages Act* stipulates that it is prohibited to increase or reduce wages on the grounds of an employee's sex, nationality, colour, race, native language, social origin, social status, previous activities, religion, or attitude towards the duty to serve in the armed forces. It is also prohibited to reduce wages on the grounds of the marital status, family obligations, membership in citizens' associations or representation of the interests of employees or employers. In May of 16 2001 the amended *Wages Act* was adopted. According to the directive 75/117/EEC that provides the principle of equal pay for the same work or for work of equal value and prohibits discrimination on grounds of sex with regard to all aspects and conditions of remuneration. The principle of equal pay contributes to the elimination of discrimination between men and women. The worker has a right to receive equal pay and in case of discrimination file a claim for compensation. The Act will enter into force on 1.01.2002.

3) Article 5 of the *Advertising Act* (RT I 1997, 52, 835) prohibits all offensive and discriminating advertising. An advertisement is offensive if it is contrary to good morals and customs, calls on people to act unlawfully or to violate prevailing standards of decency, or if it contains such activities. An advertisement is considered offensive in particular if the advertisement presents, incites or endorses discrimination on the grounds of nationality, race, colour, sex, age, language, origin, religion, political or other opinion, and financial or social status or other circumstances.

4) According to the *Service in the Defence Forces Act* (RT I 1994, 23, 384), all male Estonian citizens are obliged to serve in the defence forces. The law does not preclude women from entering into voluntary service in the defence forces.

According to the Article 15 of the *Legal Chancellor Act* (RT I 1999, 29, 406), everyone has the right of recourse to the Legal Chancellor to review the conformity of an Act or other legislation of general application with the Constitution or the law. Article 18 of the same Act stipulates that the Legal Chancellor will propose to the Supreme Court that the legislation of general application or a provision thereof be repealed if a body which passed legislation of general application has not brought the legislation or a provision thereof into conformity with the Constitution or the law within twenty days after the date of receipt of a proposal of the Legal Chancellor.

The court of constitutional review is the Supreme Court which comprises the Constitutional Review Chamber (*Constitutional Review Proceedings Act* Article 2). The Supreme Court will declare invalid any law or other legislation that is in conflict with the provisions and spirit of the Constitution (Article 3).

Request for constitutional review of laws, other legal acts and international treaties may be submitted directly to the Supreme Court by the President, the Legal Chancellor and lower courts. Pursuant to Article 107 of the Constitution, the President of the Republic may refuse to proclaim a law passed by the Riigikogu and return the law, together with his or her reasoned resolution, to the Riigikogu for a new debate and decision. If the Riigikogu again passes in unamended version the law that is returned to it by the President of the Republic, the President of the Republic shall proclaim the law or shall propose to the Supreme Court to declare the law unconstitutional.

According to the Article 15 of the Constitution, everyone has the right, while his or her case is before the court, to petition for any relevant law, other legislation or procedure to be declared unconstitutional. If the court after discussing the matter comes to the conclusion that the applicable law or other legislation is in conflict with the Constitution, the court will declare the legislation unconstitutional and will not apply it, and the court will inform the Supreme Court and the Legal Chancellor about its decision, whereupon constitutional review proceedings are initiated in the Supreme Court (*Constitutional Review Proceedings Act* Article 5).

According to the information from the Legal Chancellor, he has not received any requests or petitions concerning discrimination on the basis of sex although women's status, first and foremost at the labour market, in the family and in decision-making tends to be lower than that of men in Estonia. People do not yet regard unequal social hierarchies in society as discriminatory structures that need to be eliminated.

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

In 1998-2000, the Ministry of Social Affairs initiated a comparative analysis of the conformity of Estonian labour and pension laws with the relevant norms of European law. Two PHARE projects were launched to harmonise Estonian laws with the European Union normative documents regulating equality between women and men:

1) PHARE support for harmonising laws regarding equal treatment and employment conditions. As a result of the project, the range of topics to be regulated with a law on equality between men and women was specified.
2) Laws regulating state social insurance and EU legislation regarding equal treatment of men and women.

In the framework of the project "Promoting gender equality" financed by the UN Development Program, the conformity of Estonian legislation with the UN Convention on the Elimination of All Forms of Discrimination against Women as well as with the directives of European Community was analysed. Within the PHARE project F 167, legislative proposals from foreign experts have been gathered to guarantee conformity of Estonian legislation with EC directives on equal treatment of men and women and proposals concerning the structure and implementation of the law on gender equality between women and men. In the framework of the PHARE project 99/S/87/2, background material needed for drafting the law was collected.
Assessments of foreign and local experts have indicated that current Estonian legislation has gaps and is insufficient. There is also lack of legislative bases to guarantee adoption of necessary measures to promote gender equality and implement the rights of women *de facto*.

According to the Government decision of 18 April 2000, draft law on gender equality is drawn up. The law will define the central terms in connection with discrimination,

prohibit discrimination on the basis of sex and oblige authorities and employers to promote systematically and purposefully equality between women and men.
The draft law on gender equality will also establish relevant sanctions and supervisory authorities.

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination:

The protection of equal rights is guaranteed with Article 15 of the Constitution which states that everyone whose rights and freedoms are violated has the right of recourse to the courts. Everyone has the right, while his or her case is before the court, to petition for any relevant law, other legislation or procedure to be declared unconstitutional.

According to the Article 14 of the Constitution, the guarantee of rights and freedoms is the duty of the legislative, executive and judicial powers, and of local governments.

The fundamental right of recourse to the courts if a person's rights have been violated, has been specified in relevant procedural laws – the Codes of Civil Court Procedure and Administrative Court Procedure and the Code of Criminal Procedure.

The role of the courts in the protection of the rights of women and men has been explained in more detail under Article 15, (2(c)).

There are no other competent authorities in Estonia to provide protection against acts of discrimination.

In December 1996, a new unit, the Bureau of Equality between women and men was established in the Ministry of Social Affairs. The main activity of the Bureau is to co-ordinate the mainstreaming of the gender equality perspective into socio-political development. The functions of the bureau also include monitoring the principle of gender equality in legislation and in action plans, co-ordination of the creation of an institutional network dealing with the issues of gender equality, organising preparation of action plans and programmes to promote gender equality, co-ordinating and organising interdisciplinary research to gather and analyse data on equality issues, and participating in international co-operation regarding promotion of gender equality. In its activities, the Bureau is guided by the legal and political documents of the United Nations, the Council of Europe, the European Union and other international organisations, and common international practice.

In 1997, training of civil servants, workers of different ministries, boards, inspectorates, city and county governments was started with the aim to create a network and establish contact persons who would be able to recognise and analyse cases of discrimination. A network of civil servants has been created involving representatives of the Ministry of Social Affairs, Ministry of Internal Affairs, Ministry of Agriculture, Ministry of Justice and Ministry of Education.

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

In accordance with Article 139(1) of the Constitution, the Legal Chancellor is an independent official who reviews the legislation of the legislative and executive powers and of local governments for conformity with the Constitution and the laws. *The Legal Chancellor Act* that entered into force on 1 June 1999 stipulates in Article 19 that everyone has the right of recourse to the Legal Chancellor to supervise the activities of state agencies, including the guarantee of the constitutional rights and freedoms of persons.

In 1994, the Ministry of Internal Affairs began to create a database on victims of crime. It is possible to make a separate statistical analysis of women who have become victims of crime.

Beginning from 1996, the data that has been registered when people come to shelters and rehabilitation centres has been analysed. However, these data on family violence, school violence and other types of violence do not reflect the actual need for assistance and protection and scope of all the problems concerning security of women because shelters and rehabilitation centres are few in number (total 23 in Estonia) and they are located unevenly (a large part of them in Tallinn). The biggest shortcomings are currently apparent in diagnostics and definition of violence as well as rehabilitation of victims.

A training programme for police officers has been launched to help them recognise incidences of family violence, more effectively restrain persons committing acts of violence and provide assistance to victims.

With regard to the issues aimed at eliminating discrimination of women, Estonia has started close co-operation with specialists from other countries (e.g. Finland, Sweden and Lithuania). At the co-operation meeting of Baltic and Nordic ministers in 1997, an agreement was reached on common goals for the protection of women's rights. At the same time, a Baltic-Nordic working group to address problems of gender equality was created, comprising gender equality specialists from each country's executive power structures.

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

On the initiative of the Ministry of Social Affairs, a PHARE project "Support to occupational safety and health care system" is going to be launched. As one element it includes guaranteeing equality between women and men in working collective. This part of the project is aimed at training labour inspectors in the issues of equality between women and men, and creating a network between them in order to develop necessary competence centres. The first seminar was held on 24 March 2000 where more than 40 civil servants were briefed about the organisational climate, management style and indicators of gender equality in working collective.

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

Family violence and violence against women

In 1999, on the initiative of the Baltic-Nordic working group for gender equality co-operation both the situation of family violence and violence against women was mapped in Estonia. It was noted that due to the lack of information the general public, as well as health care specialists and police officers do not fully realise the seriousness of the problem. Today, there is no network of shelters for women in Estonia or consultation services to violent men.

The issue of violence against women is a relatively new topic for Estonia, and only a narrow circle of specialists has handled the problem thus far. Yet, in recent times there is more material in the media available about violence and threats of violence against women.

Family violence and violence against women as an area of concern is not regularly measured and statistically covered in Estonia The official statistics does not fully reflect the scope of the problem and the real incidence of violence against women. For example, data on rapes are reported to and officially registered by the Police. However, the data collected about rapes and attempted rapes are insufficient because only a small number of cases are reported to the police and therefore do not give a representative overview about incidences of violence against women.

According to the data of a 1995 survey, only 6% of suffered women reported the incident to the police (Josing, Ahven 1999: 98). Until April 2000 in cases of rape a criminal proceedings were commenced only on the basis of the victim's application. Only very severe cases were the exception. In order to guarantee better protection of women, especially of minors, the law was amended and now the ordinary rules for commencement of criminal proceedings apply.

In Estonia, there are no public institutions that would deal specifically with cases of violence against women. To raise awareness of the problem and strengthen the co-operation among civil servants, investigators and non-governmental organisations, the Ministry of Social Affairs organised in September 1999 the first seminar on this topic. Participants in the seminar received relevant materials with documents of the UN, Council of Europe, European Union and documents of international conferences. It was considered necessary to create an interdisciplinary inter-departmental working group to deal with the problem of violence against women.

In April 2000, the Ministry of Social Affairs in co-operation with the Open Society Institute and International Criminal Prevention Institute (HEUNI) carried out a pilot study to test the methodology for a comparative international survey on violence against women. 102 women who had been victims of violence were interviewed. The study showed that 62% of the women considered the incident as a severe case of violence, at the same time only 24% of the victims informed the police of the incident. In only two cases of all the incidents, a criminal charge was filed against the offender.

Among the reasons of not reporting the incident to the police the most frequent is the feeling of embarrassment. Important reasons are also the fear of revenge and victims wish not to send the man to prison. Frequent non-reporting can partly also be explained by victim's assessment of the police activities after the violent incident: only every fifth woman was satisfied with the activity of the police, while every third woman was completely unsatisfied with it. The low level of capability of the police is indicated also by the fact that 19% of the respondents believed that the police is of no use and 23% did not wish to have anything to do with the police.

A representative sociological survey on violence against women was carried out at the beginning of 2001. On the basis of the results of the survey, a national strategy to combat violence against women will be prepared.

First and foremost the data of the Police Board reflect the most serious crimes. In the 1990s, the proportion of women among murdered persons has been between 13-22%. The risk for men to become a victim of murder has been approximately four times higher than for women. If the risk among men is the highest for the age group 30-49 years, the probability in the case of women is the highest for the age groups 40-49 and 70-84. The reasons are probably different: in the case of women aged 40-49, the incidents involve mainly family violence, in the case of those aged 70-84 the proportion of armed robberies can be assumed to be higher (Josing, Ahven 1999:94).

Among women, the risk of becoming a victim of violence resulting in bodily injury is over three times lower than among men. In 1994, 3.7% of men and 1.2% of women were victims of such violence. According to the data of the 1994 survey, over the last 12 months about 23 000 adult men and about 10 000 adult women were victims of assaults (that did not result in bodily injury). Adding these numbers to the data on assaults resulting in bodily injury, it appears that at least once over the last 12 months about 42000 men and about 20 000 women were victims of actual violence (Josing, Ahven 1999:95-96). The data rather demonstrate the possible scope of the problem of violence and crime than accurate number of incidents.

The more serious the incidents of violence the more different becomes the likelihood of men and women of becoming a victim of violence. For example, in 1997 the likelihood of men becoming a victim of violence as compared with women was 4.1 times higher, while in the case of serious threats of violence the indicator was 1.8 (Josing, Ahven 1999:97).

According to the data of the 1994 survey, over the past 12 months about 12 000 adult men and about 14 000 adult women were victims of street robberies (*ibid.* p. 97). It must be noted, though, that these data are only an indication of a probable scope, more exact data will be available after the planned survey of violence in 2001.

There are problems with the representation of the so-called risk groups (homeless, alcoholics, drug addicts) in data bases – it is likely that among them even less incidents are reported to the police and surveys also fail to provide accurate data about them.

The data of the Statistical Office and the Police Board on violence and causes of death by sex are presented in the annex to this Report (see the Figures 2.1- 2.6 and Table 2.1).

Police departments in Estonia have begun to create special interviewing rooms with modern equipment where statements are video taped so that a victim of crime does not have to provide repeated testimonies of his or her sufferings. So far such rooms have been created in Tartu and Võru and they are meant first of all for child victims, but they can also be used for female victims. In some police prefectures there are also specially trained female officers who can recognise the behaviour of a sexually abused person and are able to handle the person methodologically in a correct way. At the beginning of 2001, a number of police officers were given a five-day training session on the essence of violence against women and on practical methods of handling victims and violent persons.

(g) To repeal all national penal provisions which constitute discrimination against women.

Article 13 of the *Code of Criminal Procedure* (RT 1991, 40, 497) stipulates that justice in criminal matters is administered according to the principle of equality of persons before the courts regardless of the persons' origin, social status, financial situation, race, nationality, gender, education, language, attitude towards religion, field and type of activity, place of residence and other circumstances.

The *Criminal Code* (RT I 1992, 20, 287) deals only with rape of women, the Code of Criminal Procedure does not distinguish between the sexes.

Rape in especially aggravated circumstances may result in a sentence of imprisonment up to 15 years. At the same time, sexual intercourse knowingly committed by an adult with a person under 14 years of age is punishable in any case (Criminal Code Article 116).

§ 115. Rape

(1) Sexual intercourse with a woman by violence or threat of violence or by taking advantage of the helpless situation of the victim is punishable by two to five years imprisonment.

(2) Rape is punishable by three to ten years imprisonment in the following cases:

1) rape committed by a person who has previous criminal record for rape, or
2) rape committed by a group of persons, or
3) rape of a minor, or
4) if it causes a permanent or life-threatening bodily injury to the victim.

(3) Rape is punishable by eight to fifteen years imprisonment in the following cases:
if it results in serious consequences to the victim, or rape of a child.

§ 116. Sexual intercourse with female under age of 14

An act of sexual intercourse knowingly committed by an adult with a female under the age of 14 is punishable by detention or up to four years imprisonment in the absence of elements of a criminal offence prescribed in Article 115 of this Code.

Article 3. States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

In the Estonian report presented to the Beijing Conference in 1995, ten strategic directions were pointed out, among which the first was implementation of the Convention on the Elimination of All Forms of Discrimination against Women. Realisation of this course as well as other strategic aims has received much attention both at the level of government, ministries and civil society.

At the national level, since June 2000 issues of equality between women and men fall under the competence of the Ministry of Social Affairs. Already since 1996 measures that the Ministry has implemented to guarantee the rights of women have been aimed at raising the awareness of the public, supporting political activity of women, training of civil servants, social partners and women's organisations, analysing data from social surveys, analysing of laws and launching of relevant projects.

Since 1998, measures aimed at promoting equality between men and women are part of the Government's action plan.

There is a separate sub-chapter on equal treatment for men and women in the Government's National Plan for the Adoption of the Acquis to integrate to the European Union. The strategy for the promotion of gender equality, including the strategy for protecting the rights of women, proceeds from the conception of equality based on mutual partnership and equal rights and duties. The conception foresees integration of the principle of gender equality into all areas of activity at all levels. The main areas of activity are the following:

- equal pay;
- equal treatment for women and men at work and in access to employment;
- balanced distribution of work-related and family duties;
- training and informing of social partners about equality policy and norms in the EU;
- participation in EU equality framework programmes.

According to the action plan, in order to integrate the principle of gender equality into all areas of activity, a co-operation network of civil servants dealing with the problems of guaranteeing equal opportunities will be developed and contacts with non-governmental organisations will be strengthened. Strategic starting points to implement EU recommendations and communications will be prepared.

According to the action plan, in 2000-2003 in order to tackle issues of equality between men and women and prepare relevant legislation, similar laws and implementation mechanisms and organisation of work of supervisory bodies in other EU member states will be analysed. Major EU recommendations and guidelines will be translated into Estonian and will be made available in electronic form. Training will be organised to raise public awareness and introduce legal principles and norms to various target groups. Surveys will be carried out to describe and analyse treatment of men and women at work, in access to employment and in their professional activities.

According to the Government action plan, during the year 2000 approximation of social insurance legislation with the requirements of the directive 79/7/EEC on equal treatment for men and women was completed. For this purpose, the *Old Age Pensions on Favourable Conditions Act* and the *Superannuated Pensions Act* will be amended on the basis of a trilateral agreement between the Government, representative organisations of employers and employees during 2001.

On the basis of the Government action plan for integration to the European Union, the following could be pointed out:

- Part of the Phare project "EU Phare support for Estonian occupational environment sector" is directed at monitoring the observance of the requirements of psychological and social welfare of occupational environment and co-operation of relevant public authorities and training of supervisory officials for the issues of the rights of female workers;
- Research material gathered in the framework of the UN Development Program project "Promotion of equality of the sexes in Estonia (EST/98/Q05) will be made available for wider public;
- Estonia has applied for participation beginning from 2000 in the EU *Daphne* programme and beginning from 2001 in the fifth strategic framework programme for the equality of women and men.

According to the Government action plan, training and technical assistance is oriented towards achieving readiness to integrate the equality principle into all action plans and policies in accordance with the Treaty of Amsterdam. For this purpose, a relevant national programme is launched and participation is sought in EU programmes under *Action Programme on Equal Opportunities*.

According to the *Employment Action Plan of the Republic of Estonia*, in 2001-2003 a strategy and methods will be worked out to integrate gender equality into the areas of employment and occupational life. Specific measures to protect the rights of women will be continued, including implementing the principle of equal pay for equal work, guaranteeing of equal treatment for women and men in employment and access to employment, and reducing inequalities between work-related and family duties. On the basis of the Government employment action plan, strengthening of the policy to guarantee equal opportunities for women and men is one of the priority activities. In the same document it has been noted that in developing all the areas of activity it is important to involve social partners and guarantee equal opportunities for men and women.

According to the Government action plan, continuous attention is given to activities for raising public awareness. Relevant written and electronic publicity material will be prepared dealing with the conclusion of collective agreements, collecting data necessary for the integration of gender aspect etc.

A major problem in promoting equality is the lack of gender-sensitive statistical data and insufficient practical experience with carrying out sociological surveys. Availability of statistics has improved but in several areas, like violence against women, strategies for reconciling work and family life, etc., no special surveys have been carried out to date. Understanding that it is impossible to work out national action plans without sufficiently accurate description and analysis of the situation and processes in the country, the Government intends to order collection of relevant statistical data. It has also been found that in developing social statistics the aim should be to reflect the situation of different social groups, including the situation of women and men. The Government action plan for 2001 foresees that if the draft *Gender Equality Act* will be adopted necessary amendments will also be made in the "Procedure for collecting statistical data". According to the action plan, preparation and selection of gender-sensitive indicators will be started.

There has also been some development as regards comprehensiveness and availability of statistical data – in 1997 the Estonian Women's Research and Information Centre was created whose task is also to deal with the development of databases reflecting mainly women's issues.

Officials in other ministries and various government agencies have been offered several seminars and training courses with the aim of raising their awareness about gender equality. On the basis of the Government action plan, in 2000 training of civil servants on the issues of gender equality is organised in co-operation with the Baltic and Nordic countries.

The media is paying increasingly more attention to problems of equality, trying to raise public awareness. The Ministry of Social Affairs supported a series of programmes in the Estonian Radio on the equality between women and men. Before elections to the Riigikogu and local government councils in 1999, advertising with a slogan "Voters, trust women" could be heard on the radio, also a video commercial could be seen on television aimed at promoting political and social activity of women and raising voters' trust for female candidates. The whole series of activities for raising public awareness has produced visible results.

Several non-governmental women's organisations promoting public interests have been created – for example, to improve availability of information, organise training and seminars, promote entry of women into politics, etc. There are presently over 160 non-governmental women's organisations, of which the most important ones are Women's Training Centre, Women's Civic Training Centre, and women's research centres at the University of Tartu and Tallinn Pedagogical University.

The co-operation with international organisations has successfully continued – support has been provided by the UN Development Program and there has been co-operation with the Nordic Council of Ministers. Representatives from Estonia have participated in the events organised by the Council of Europe. In co-operation with the latter institution four conferences have been organised in Estonia.

In order to support increased participation of women at the decision-making level and their entry into politics, female members of the Riigikogu formed the Riigikogu Women's Association in 1998 which included all female members of the then Parliament. In autumn 1998, the above association initiated the Roundtable of Women's Associations of Political Parties. The roundtable meets regularly every month. Its aim is to shape human-friendly environment in Estonia, improve domestic political climate, raise general political culture and encourage women to participate in political life. Wishing to draw voters' attention to the low level of representation of women in the Parliament, the roundtable has addressed all political parties with a proposal to make lists of candidates in elections in the way that there would be at least three women among the top ten candidates on the national list of each political party.

By 2000, roundtables of female politicians were functioning in eight regions in Estonia.

On 27 May 1996, the Government formed an 11-member inter-ministerial committee to review decisions adopted at the UN conferences on social issues. The committee has examined documents adopted at four UN summits and Estonia's promises concerning the following sub-topics: education, health, housing, regional development, problems related to children, equality of women and men.

Article 4.

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

The national report "Estonian women in the changing society" (published with assistance from the United Nations Development Program) presented to the UN fourth women's world conference contained strategic aims for improving the situation of women in Estonia. They served as starting points for state agencies, non-governmental associations and individuals in planning their activities.

For handling the problems of gender equality more systematically, the report considered as a strategic priority to implement the Convention on the Elimination of All Forms of Discrimination against Women to which Estonia had acceded in 1991.

It was considered necessary in the report to create state structures promoting equality and inform the society about the human rights of women and men, and develop social statistics on the situation of women in the way that different social groups would be described more exactly, as well as support gender studies.

The report outlined areas that needed activities directly oriented at women: raising competitiveness of women, securing their position at the labour market, in social life and politics. The report foresaw supporting of activities of non-governmental women's organisations, co-operation among them and co-operation with international women's organisations. It was stressed that attention should be paid to further training and retraining programmes for women.

The report of 1995 also stated that the system of social guarantees for families with dependants should be developed, allowing mothers a flexible choice for work at the time when children are not yet of age and to improve the situation of single parents. It was considered necessary to support and give more importance to modern family planning and division of labour inside the family.

The final document of the Fourth World Conference on Women, the Beijing Platform for Action is an international document serving as a basis for determining Estonia's national priorities now and in the near future, both at the level of the government and non-governmental organisations. A report on the implementation in 1995-2000 of the tasks set out in the conference action platform by Estonia as a UN member state has been submitted to the Secretary-General of the UN.

Subsequent to the UN IV women's conference, with the Government of the Republic order no. 480-k (RT I 1996, 38, 758) of 27 May 1996 an inter-ministerial committee was created that decided that priority areas of development in Estonia with regard to the aspect of equality of the sexes are as follows:

1. To create and strengthen national structures that would fulfil the function of integrating the principle of gender equality.

2. To analyse conformity of Estonian legislation with international standards of gender equality.
3. To guarantee availability of official gender-sensitive statistics.
4. To improve the situation of women at the labour market and to increase their participation in decision-making.

During the preparatory period for the UN General Assembly's extraordinary session "Beijing+5" dedicated to the UN fourth women's world conference in January 2000, the Estonian delegation participated in the regional meeting organised by the Economic Commission for Europe of the UN Economic and Social Council where agreement was reached to focus on the following directions as national priorities: women's role in politics and in decision-making, combating violence against women and trafficking in women, strengthening of women's economic position and of the national institutions dealing with issues of equality.

Programmes and projects in support of women

With the help of the UN Development Program, Soros Open Estonia Foundation, Naumann Foundation, K. Adenauer Foundation, Fr. Ebert Foundation, and others, women's civil movement and development of women's organisations is promoted.

To co-ordinate activities with neighbouring countries, there is a Baltic-Nordic working group for equality under the Nordic Council of Ministers, including representatives from all countries of the region. The working group is chaired by the Estonian representative.

The International Labour Organisation (ILO) started in 1999 a programme "More and better jobs for women" in Estonia. The main aim of the programme is to shape a favourable business climate for women and to provide business training. Lecturers have been leading Estonian specialists as well as experts from Finland. By the end of 2000, about 1000 women had participated in the training.

Through several foundations, further training and re-training programmes for women have been supported; for example, a programme to support women in rural areas that is financed from the regional development fund.

The project of the UN Development Program and the Estonian Government "Supporting of equality policy" lasted from 1995 to 1997. A large part of the project involved training for women's organisations. The project of the UN Development Program and the Estonian Government "Promoting equality of the sexes" (1998-2000) was aimed at training civil servants, social and education workers, local government officials, representatives of non-governmental organisations and also the wider public, as well as analysing laws and carrying out research. Training was provided first and foremost in the form of seminars and conferences on topics like "The role and opportunities of women in decision-making in society", "Family violence – what it is and how to deal with it?", "Gender equality and equal opportunities", "How to draw up a report to the UN?", "Beijing+5: progress and perspectives". Among the lecturers were representatives and experts of the UN Development Program, Nordic Council of Ministers, Sweden, Finland, lecturers of the University of Tartu and Tallinn Pedagogical University, scientists of the Institute of International and Social Studies.

In addition to Tallinn, training courses were held in several other Estonian cities. Participants in the training included about 100 civil servants, several of them participated repeatedly, about 50 local government officials, several of them repeatedly, about 300 representatives of non-governmental organisations, some of them repeatedly. Within the project, there were a series of radio programmes "Equal opportunities" that had probably tens of thousands of listeners. Two collections of articles were published, both with a circulation of 1000 copies. Feedback from participants in the training has been positive – they have emphasised an improved ability to recognise problems, see new aspects of things as well as improved analytical skills. They have expressed a wish that such seminars, conferences and radio programmes could be more frequent and more people would be offered a possibility to participate.

Thanks to the project, civil servants, local government officials, representatives of non-governmental organisations and the wider public have begun to understand better the problems of the equality of the sexes. Problems of the rights of women are now dealt with increasingly more in periodicals (newspapers "Postimees", "Eesti Päevaleht", "SL Õhtuleht", "Eesti Ekspress", magazines "Pere ja Kodu", "Eesti Naine", etc.).

Spreading knowledge about the issue of equality between women and men is crucial because many people, including politicians, civil servants, education workers, cultural and social workers, and many others, are unable to see social processes through the "gender glasses " and do not pay attention to the different effect of laws on people of different sexes – boys and girls, young men and women, working-age women and men, female and male pensioners.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

In the case of maternity, working women are entitled to special protection, including parental leave and favourable working time.

In addition to annual regular vacation, in order to take care of a child a parent is entitled to pregnancy leave and maternity leave, adoptive parent's leave, parental leave, additional child leave and leave without pay.

Maternity is protected by different laws in Estonia.

The Holidays Act (RT 1992, 37, 481):

- entitles women before or after pregnancy leave or maternity leave to receive a holiday in full during the first working year regardless of the amount of time worked. Men whose wives are on pregnancy leave or maternity leave have the same right. An employer is required to grant a holiday at the time requested to a woman raising a child up to three years of age. The provision is valid also for a man raising a child (children) alone (Article 13).
- sets out the granting of pregnancy leave and maternity leave: based on a certificate for maternity leave, a woman is granted a pregnancy leave of 70 calendar days before giving birth and a maternity leave of 56 calendar days after giving birth. In

the case of a multiple birth or a delivery with complications, a maternity leave of 70 calendar days is granted. Pregnancy leave and maternity leave are added together and granted in full, regardless of the date of birth of the child. Compensation for the period of pregnancy leave and maternity leave is paid pursuant to the *Health Insurance Act* (Article 28);

- entitles a mother or father of a child to a parental leave at his or her request until the child attains three years of age. For the duration of a parental leave, an employment contract is suspended and for this period of time the employee is paid child care allowance pursuant to the *State Family Benefits Act* (Article 30);
- entitles a woman to a paid pregnancy leave and maternity leave of 18 weeks, in the case of a multiple birth or a delivery with complications 20 weeks. An adoptive parent of a child of up to one year of age is granted a leave of 10 weeks for which health insurance compensation is paid.

Parental leave is granted to a child's mother or father at their request until the child attains three years of age. For the duration of a parental leave, an employment contract is suspended and for this period of time the employee is paid a child care allowance by the state.

A mother or father is granted an additional child care leave of three calendar days per working year at his or her request if the mother or father has one or two children under fourteen years of age, and six calendar days if the mother or father has three or more children under fourteen years of age or at least one child under three years of age. (A guardian raising a child without parents is also entitled to such leave.)

The Holidays Act (RT I 2001, 42, 233) with amendments was adopted by the Parliament on April 4, 2001 and will enter into force on January 1, 2002. The *Holidays Act* is in accordance with the following directives: 96/34/EC, 92/85/EEC, 93/104/EEC, 94/33/EEC, 97/81/EC. According to the new act a father of the new-born child will be entitled to additional right for child-care leave for 14 calendar days (according to the directive 96/34/EC) during a mother's pregnancy and maternity leave. The holiday pay for father's additional child care leave is paid from the state budget. The new amendment is a significant new right for fathers and clearly acknowledges that both men and women have family responsibilities.

According to the effective act, at the request of the employee, the employer is required to grant a holiday without pay to:
(1) a woman raising a child of up to fourteen years of age;
(2) a man (guardian) raising a child of up to fourteen years of age alone;
(3) one of the parents (guardian, caregiver) raising a disabled child;

However, according to the new regulation a man's right to holiday without pay irrespective of the fact whether he raises the child of up to fourteen years of age alone or not is extended.

A parent, guardian or caregiver of a disabled child up to 16 years old is entitled to one day of additional holiday per month for which compensation is paid on the basis of average wage from the funds of the social insurance budget. A person raising a child under 1.5 years old is granted additional breaks to feed a child. These are included in the working time and are paid for on the basis of average wage from the funds of the social insurance budget.

Persons raising children under 14 years old or disabled children under 16 years old are entitled to work part-time. These persons may be required to work at night and on holidays or work overtime only with their own consent. Pregnant women are also entitled to part-time work. They may not work at night or on holidays even if they wish. Overtime work is also ruled out for them.

Another measure to support families is that a mother raising a child under 7 years old or a disabled child under 16 years old is not required to have previous employment in order to register as unemployed. In the absence of mother or during the time when mother is employed the same provision applies to the father or guardian. When drawing up a schedule of annual regular vacations bigger guarantees could also be given to persons raising children older than three years. For example, their vacations could overlap with the time of school holidays, etc. From the aspect of raising children it is important to regulate working time even more flexibly.

According to the *Employees Disciplinary Punishments Act* (RT I 1993, 26, 441)

- a female employee shall retain at least 70 per cent of the wages payable to her after the deduction of a fine if the employer has a document certifying that the employee is pregnant (Article 18);
- it is prohibited to impose suspension from work without pay on an employee if the employer has a document certifying that the employee is pregnant or the mother of a disabled child or a child under three years of age, is raising either a disabled child or a child under three years of age without a mother, is the guardian or a caregiver of a disabled child (Article 20).

Coverage with health insurance

On the basis of the *Health Insurance Act* (RT I 1991, 23, 272):

- in the case of temporary remission of work or temporary transfer to another work, the difference in wages is paid to the amount that wage differential together with the wage for that period does not exceed the average wage of the insured person. In the case of temporary release from work the insured person is paid a compensation per one calendar day in the amount of 80% of the average income per one calendar day (Article 10);
- in the case of pregnancy or giving birth the insured person is paid 100% pregnancy compensation and childbirth compensation during the period before and after giving birth for a total 126 calendar days, in the case of a multiple birth or a delivery with complication for a total 140 calendar days (Article 6 and Article 8);
- in addition, the persons for whom social tax has been paid will be provided medical examinations and health treatment financed by the sick fund. A number of non-employed persons are considered as equal to the insured person, including pregnant women beginning from the twelfth week of pregnancy, children under 18 years of age, a parent or a guardian taking care of a disabled child, a person maintained by the insured (e.g. a spouse staying at home to raise children).

The state pays social tax for one parent or other person who is raising a child up to three years of age as well as for a non-employed parent taking care of a child up to eight years old in a family with three or more children. The health insurance covers compensation for the time that the insured person failed to work due to illness as well as medical services and receiving of medicines at reduced prices.

The current regulation can still be assessed as unsatisfying in many ways. As benefits are first and foremost available to women then family duties also rest first of all on women, which puts female employees in an unfavourable situation at the labour market as compared with men. In order to change the situation, further amendments to labour legislation are planned for 2001.

In order to grasp family problems and alleviate them more effectively, a government committee has been formed and a conception for child and family policy has been created. The basic version of it was completed in December 1999. In the course of writing this document the relatively high rate of employment of women and their need to reconcile/balance family life was taken into consideration. In principle, the concept favours shared responsibility of the family and the state in raising future citizens.

Bearing in mind families with dependants, the system of social guarantees has been developed: child allowance is paid to one parent regardless of whether the parent is employed or not; for a parent with a child up to three years of age the state pays social tax regardless of whether the parent is employed or not; benefits have been raised, including the single parent allowance.

The issues of supporting and promoting modern family planning and balanced division of labour inside the family are dealt with by the Estonian Family Planning Union.

Article 5. States Parties shall take all appropriate measures:

> **(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;**

Awareness of social problems arising from inconsistencies due to women's unequal opportunities, duties and rights has been hindered by the lack of reliable official statistics. In Estonia, gender has not been one of the core indicators used in regular statistical analysis and therefore the presented data have not allowed to assess the living conditions of men and women living in different households and changes in social and cultural models of conduct.

Since 1997, workers of the Statistical Office of Estonia have received regular training for collecting and presenting gender-sensitive data. In co-operation with the Swedish SIDA aid programme a project for updating the presentation of statistical data has been started. Workers of the personal data department of the Statistical Office have participated in training on gender-based statistics organised by the regional bureau of the UN Development Program in 1999 in Minsk, Belarus, and in 2000 in Vilnius, Lithuania.

Historical background to the position of women

The position and role of Estonian women have evolved through different periods in history. Estonian ethnographers and historians have expressed opposing opinions about Estonian women. On one hand, an Estonian woman is described as relatively independent and less depending on the husband as compared to other nations, but on the other hand as a serf and dependant on her husband. For centuries strong traditional patterns of a patriarchal society have been developed in Estonia. Female characteristics and women's activities were often underestimated and women's work was not valued to the same extent with men's work. A patriarchal structure has changed through times but many attitudes and stereotypes treating men's central role as universal and natural have survived until today. Men in Estonian society have traditionally been attributed the role of a leader, strong actor and punisher, while women have been viewed as caretakers, subordinates and those expressing compassion.

The Estonian women's movement started in the 1880s in connection with the national movement initiated for the foundation of the Estonian-language schools. In the framework of these activities also the first women's organisation was created. The Estonian Women's Union, founded in 1907, spoke publicly about the rights of women and equal pay for equal work. In 1911, the first society of female students was created. In 1917, the first conference of Estonian women was held which had as its main topic the social rights of women. In the Republic of Estonia established in 1918, the equality of women and men was laid down by law. In 1920, on the initiative of the female deputies of the Constituent Assembly the second women's conference was convened and the Union of Estonian Women's Organisations was founded. Women's movement was supported by more progressive social figures, and also the state's assistance to promote participation of women in employment increased.

During the Soviet occupation all women's organisations were dismissed.

Changes in attitudes towards the role of the family and the sexes

Most of the convictions on which are based opinions and attitudes as to what is suitable for oneself and for the opposite sex derive from traditions and beliefs about what has been seen for a long time in society as appropriate for men and women.

Although understanding of traditional values in Estonia has changed in recent decades, for example, the idea of a typical preferred family model has remained unchanged through centuries. Home and family as the main guarantee of security and stability have been valued highly by the Estonian people. For Estonians as a small nation the family is also something what has served as a consolidating unit in preserving historical traditions and developing their own culture.

Nevertheless, the roles of men and women at home have traditionally been divided in the way that in households where both the man and woman are employed women bear a larger burden by doing household chores and other unpaid activities. This has hindered women from making career and moving forward in their chosen profession. But as the patriarchal pattern of culture has developed long ago, people almost automatically behave in line with it.

The Soviet-time forced ideology of the equality between men and women was contrasted in Estonia at the beginning of the 1990s by a reactive attempt to revive the traditional gender roles. Such recent changes in the role expectancy and attitudes of men and women towards a patriarchal behavioural and cultural pattern are characterised by sociological surveys. According to the survey "Nationalities in Baltic States", 84% of Estonians claimed that it's a man's task to earn money and a woman's task to take care of the home and children (Rose & Maley 1994).

The results of the survey on gender roles carried out by the centre of gender studies of the University of Tartu in 1995 and 1998 reflect the modern Estonian society as male-centrist and valuing more masculine than feminine qualities. As masculine qualities help to "proceed in life" the areas of activity assuming masculine roles and thus men in general are in average more valued and better paid.

In order to analyse the daily life of women and men, the Ministry of Social Affairs ordered with the financial support of the UN Development Programme in 1998 from the Institute of International and Social Studies of Tallinn Pedagogical University a survey "Men and women in Estonia in the 1990s". The survey demonstrated that despite the similarity of life-values of men and women their living conditions, opportunities and actual division of domestic work are quite different.

In 1999, two collections of articles were compiled and published in Estonia, containing a detailed analysis of the problems of equality of women and men in Estonia – "Daily life in Estonia in the 1990s. A sociological overview based on surveys of population 'Estonia 98' and 'Estonia 93' (published by the Institute of International and Social Studies of Tallinn Pedagogical University), "Shared rights and responsibility" (published by the Ministry of Social Affairs). At the beginning of 2000, a collection "On the way to balanced society. Women and men in Estonia" (published by the UN Development Program and the Ministry of Social Affairs). The latter collection can also be accessed through the Internet (http://www.undp.ee/gender). The results of these surveys have aroused deep interest among Estonian society and they have generated a wider debate both in the media and between politicians of major Estonian political parties.

The gathered data on the distribution of the gender roles at work and at home, possibilities of women and men at the labour market, social networks, reconciliation of work and family life undoubtedly provide a better possibility for changing obsolescent gender roles.

The Women's Training Centre has provided further and additional training in economy and business, starting and managing a business, marketing and international market relations, information technology, foreign languages, etc. There are regular contact seminars with businesswomen from neighbouring countries. In 1995, the Women's Training Centre started a training project "Women into public life" in the Estonian counties. There have been seminars on similar topics with the support from different foundations throughout years. The Women's Training Centre operates since 1997 as a non-profit association aiming to raise the capability of women on all levels of life in society.

In 1998, the Women's Civic Training Centre was created – it is a non-profit association organising seminars and training to give women knowledge and skills that they need to participate on an equal basis with men on all levels of social life, but first and foremost in politics. As a result of the activities of the centre, regional roundtables of female politicians have been created.

To raise people's awareness of the problems of inequality of the sexes, seminars and conferences have been organised in co-operation of Estonian legislators, government and non-governmental organisations:

1995	Seminar "Human rights – equality legislation and possible national structures" (in co-operation with the Council of Europe)
1995	Seminar "The role of women's organisations in Baltic states in solving the problems of women and girls" (in co-operation with the Council of Europe)
1997	Central and East European forum "The health of women and girls, sexual education and family planning" (in co-operation with the Council of Europe)
1997	Baltic and Nordic joint conference "Equal opportunities" that was followed up with a conference in Druskinikai in Lithuania and in Valmiera in Latvia (with the assistance of the Nordic Council of Ministers)

Since 1998, seminars for women's organisations have been organised in the framework of projects co-ordinated by different ministries. Raising awareness of the problems has activated women to create new non-governmental non-profit and political associations and research centres. Their development has helped to shape the understanding of the society and women themselves about the implementation and exercise of human rights and fundamental freedoms.

The following women's associations currently operate in Estonia: the Riigikogu Women's Association, Roundtable of Women's Associations of Political Parties, Women's Civic Training Centre, women's research centres at the University of Tartu and Tallinn Pedagogical University, Women's Research and Information Centre in Tallinn. They all have aimed their activities directly at promoting self-consciousness of women, changing traditional attitudes in society. In general, these efforts have been fruitful.

For example the positions of clergy in the church have traditionally been filled by men, and official titles of the clergy relate first and foremost to men. But now also women can be seen in clerical positions. However, female clerics can be seen only in Protestant churches in Estonia, the Roman-Catholic and Orthodox churches have retained their previous position and rule out ordaining of women as clergy. In 1999, total 14 female clerics served in the Lutheran church in Estonia making up one tenth of the clergy in the church.

Understanding and accepting women's rights is becoming a wider phenomenon in all aspects of social life. This can be seen, for example, in the results of the NORBALT II survey of living conditions in Estonia (1999) carried out in co-operation of the Estonian Ministry of Social Affairs, Statistical Office of Estonia, University of Tartu and Institute of Applied Social Research, and thanks to the support of the Norwegian Foreign Ministry, Norwegian Scientific Research Council, Council of Universities and the Nordic Council of Ministers. According to the survey, about 2/3 of 4726 interviewed people found that women in Estonia are in a subordinate position as compared to men.

> **(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.**

According to the Constitution, parents have the right and duty to raise their children and take care of them (Article 27). This recognises the primary role of the family and parents in protecting children and caring for them.

According to the *Family Act* (see Article 2 (a)), parents have equal rights and duties with respect to their children. A parent is the legal representative of the child. As a legal representative the parent has the mandate of a guardian. A parent is required to protect the rights and interests of his or her child. A parent may not exercise parental rights contrary to the interests of a child (Articles 49 and 50).

If parents live apart, they will agree with which parent a child will reside. In the absence of an agreement, a court will settle the dispute at the request of a parent (Article 51).

If parents have not agreed in what manner the parent living apart participates in the raising of a child and has access to the child, a guardianship authority or, at the request of a parent, a court will settle the dispute (Article 52). A parent has the right to demand his or her child back from any person who has control of the child without legal basis (Article 50).

A parent is required to maintain his or her minor child and a child who has become an adult but who needs assistance and is incapacitated for work. If a child attends basic school, secondary school or vocational school and continues to study there upon becoming an adult, a parent is required to maintain the child during his or her studies. If a parent fails to perform the duty to provide maintenance to a child, a court will order support for the child. The monthly support payment for one child may not be less than one-quarter of the minimum monthly salary rate established by the Government of the Republic.

According to the *Child Protection Act* (RT 1992, 28, 370), single parent families and two parent families have an equal obligation to raise and care for their children (Article 26). In order to learn to know the children's needs and support them, parents have the right to receive consultation free of charge from a social services department (Article 25).

Maternity is protected in Estonia with the *Employment Contracts Act, Public Service Act, Working and Rest Time Act, Holidays Act, Health Insurance Act, Social Tax Act, Child Benefits Act and State Pension Insurance Act* (see Article 11).

On 1 January 2000, the *State Family Benefits Act* entered into force.
According to the Act, childbirth allowance, single parent allowance, conscript's child allowance, and for many families the maintenance allowance that was changed into child care allowance, were raised. The state pays social tax for persons receiving child care allowance, guaranteeing their coverage with health insurance and state pension insurance. Thus, the state recognises through the new draft law the raising of children as work. Child care allowance is calculated based on the rate of child care allowance established by the state budget for each budgetary year. Amounts of child allowances have been brought in Table 5.1 in the annex.

According to the *Social Tax Act* (RT 1992, 9, 102), the state pays social tax on the basis of the minimum monthly salary for a person who is on a parental leave to take care of a child up to three years of age or for one non-employed parent raising a child up to three years of age (Article 6). Thus, also all persons who are on a parental leave with a child up to three years of age and one non-employed parent raising a child up to three years of age are entitled to medical examinations and medical services financed by the sick fund.

Child care allowance is paid to a child's parent or actual caregiver depending on the age and number of children in the family. If there are three or more children receiving child benefit in the family, child care allowance is paid for children up to eight years old, until finishing the first year at school (if the child turns eight years old during the current school year, child care allowance is paid until the end of the year). Families with one child receive child care allowance only until the child turns three years old. In a family with two children up to eight years old, child care allowance is paid if at least one of the children is up to three years old. Child care allowance is paid either to a parent or to the actual caregiver of the child:

- to the person who uses parental leave instead of the parent;

- to the person with whom a written agreement to take care of a child in the family has been concluded, or
- to the child's guardian.

Payment of the child care allowance does not depend on being or not being employed. Since 1 January 2000, child care allowance was automatically added to child benefits. The amount of the child care allowance is 600 kroons per each child up to three years old, and 300 kroons per each child three to eight years old.

The *Social Welfare Act* (RT II 1998, 14, 21) gives local governments the right to grant and pay supplementary social benefits from the local government budget (including benefits in the case of the birth of a child). Local governments organise gift parcels for mothers with necessary supplies for new-borns. The law is also a basis for the provision of social counselling (Articles 23, 11). In addition, women's counselling bureaus organise "mothers' schools" for mothers before the birth of a child; after the birth families receive necessary counselling from family doctors.

Reconciliation of work and family life

The value orientations of young women and men of the same age are quite similar: they value education, interesting work and professional or political career. Therefore young women nowadays often tend to choose to delay starting a family and continue with their career. At the same time, a tendency can be noted with Estonian women that there are more women with two children and less women without children among women with higher education than among women with secondary education. This is also confirmed by the population survey carried out at the end of 1998 which indicated that the number of women without children is the highest among women with secondary education (29%) and the number of women with two children is the highest among women with higher education (38%) (Kelam 1999:47).

The reasons for not having children are both economic restrictions (expenses for raising and educating children have risen sharply) and insecurity about the future as well as changed personal values. Therefore, in Estonia a mixture of pragmatic early capitalist values and western individualist or post-modernist (self-development, free time and friends, independence) values can be found.

Although sociological surveys constantly show that on the level of values children are considered the most important value in life (both among people with children and without children, regardless of the sex, nationality and residence), the actual number of births in the 1990s has constantly declined, in 1998 making up only 49% of the respective indicator in 1988. The statistical overview of the birth rate in the recent decade has been given in Article 12, point 1.

As a result of rapid social transformations, changes have occurred also in attitudes towards cohabitation and children born out of wedlock. Spreading of liberal attitudes is shown by the fact that since 1989 the proportion of children born outside registered marriages has risen considerably. In the second half of the 1990s, the proportion of extra-marital births has continued to rise, exceeding in 1997 for the first time the number of marital births. In 1999, the difference between the number of children from legally registered marriages and children of non-married parents increased even further. In fact, the decline of the number of children born from registered marriages is a reflection of the situation where unregistered cohabitation is preferred to official marriage.

Overview of the number of children born outside registered marriages in the 1990s has been given in Table 5.2 in the annex.

Although the proportion of extra-marital births in Estonia has risen mainly due to more births from consensual unions, at the same time also the number of births where the father is not ascertained has risen. In 1990, the number of births without identified father made up 10% of the total, in 1997 and 1998 the number had risen to 15%.

On the other hand, the number and popularity of family births has risen. If during the Soviet period the presence of future fathers at the birth was a very unusual phenomenon, in the recent decade the number of such fathers has risen considerably. Appearance of fathers was more easily assimilated by the private medicine. The current statistics show that if in public hospitals support persons are present in about 60% of the births, in private hospitals the presence is almost 100%. The staffs at private hospitals are ardent supporters of this innovative principle.

The average age of mother at birth, which was in decline until the end of the last decade, rose to 26.4 years by 1998 and in the case of mothers giving birth for the first time to 23.6 years. The average number of children per woman dropped to 1.21 in the same year. At the same time, since 1993 the average age of women at their first birth has been 0.7 years lower than women's average age at first marriage.

This decrease has largely taken place on account of young women with higher education – if in the 1980s it was characteristic of Estonia that women with higher education had on average relatively many children (compared with women with secondary education) then in the 1990s young women who have acquired higher education are not in a hurry to give birth and do not plan having several children. The average age of mothers at first birth has also increased.

Statistical overview of live births by age of mother has been given in Table 5.3 in the annex.

Actual changes that have taken place in the structure of families are poorly reflected in the national statistics. The census before the last one took place in 1989 in Estonia and the population statistics of the 1990s have been rather unreliable due to the reorganisation of the statistical system. More exact data can be expected from the census that was conducted on 31 March 2000. The general picture of the people with children, number of children in family, registered marriages and consensual unions, their living conditions is mainly compiled on the basis of sociological surveys. As intervals between such surveys have been relatively long ("Estonia 78", "Estonia 85", "Estonia 93", "Estonia 98", "Norbalt 94" and "Norbalt 99"), at present it is difficult to get a reliable overview of actual types of families, their needs and living conditions, attitudes and behaviour of family members during the time between the dates of surveys.

At the beginning of re-independence, there was a widespread attitude in favour of women staying home and turning to traditional gender roles. However, poor economic condition of families has not given a chance to stay at home even to people who wish it. Parents stay home only with infants. Employment rate for men and women is almost equally high at the age of 35-54 (around 80%) and the highest (84%) among men and women aged 45-49. All in all, 65% of women with minor children work. About half of the working women (49%) have children and a husband at home, 19% of working women are single mothers living together with children. 16% of working women have no children (Narusk 1999:67).

According to the survey, about more than half (55%) of employees work a regular 40-hour week, 28% work more hours per week. Additional work is done both at the principal place of employment as well as at secondary jobs. Officially, 9% of Estonian population have an additional place of occupation, among them mainly people working in the spheres of culture (20%), public service (18%), banking and insurance (16%), and education, science and health care (14%). The proportion of men and women having extra employment is relatively equal (*ibid.*).

The survival of traditional roles in Estonia is demonstrated by the fact that it is considered a women's task besides their profession and housekeeping to take care of the husband. Unpaid housework adds about 27 extra work hours a week to women's regular paid work (Narusk 1999:68). Therefore, the majority of Estonian women have less time for their hobbies and taking care of themselves than their counterparts in developed European countries. After marriage, working women give up more often than men their hobbies and dedicate themselves to raising children and taking care of the household. Surveys also demonstrate that the more difficult the economic situation (in society or in the family) the more supporters of traditional gender roles there are.

While in developed countries the participation of men in housework is increasing, in Estonia at the beginning of the 1990s (as compared with the middle of the 1980s) an opposite tendency could be noted – men have been less involved in household duties, especially among older age groups. Also towards the end of the 1990s the situation has remained practically unchanged. The pilot study of adult population's use of time carried out by the Statistical Office in 1996 confirmed that married men spend average 4.5 hours a day for their family and household while the same indicator for married women was 6.8 hours. Half of the time that men spend less than women for the family and household is spent on work and half is free time (men have one hour more of both working time and free time per day than women). The time that working women and men spend on household per day is 2.2 hours more for women than men, 1.6 hours more for non-employed women. The difference in time use among women and men is the highest in families with children up to six years old. In those families, women spend 3.1 hours per day more on the family and household (*ibid.* p. 69).

Parenthood and the role of father

Despite Soviet-time formal slogans of the equality of men and women, at that time it was not considered the equal right and duty of the working father with working mother to take care of their small children. Changing of diapers, feeding and bathing a child were clearly considered the duty and right of women. Those fathers who contrary to the predominant popular opinion considered important to be close with the family and participate in family's daily activities were often not understood and condemned not only by the people around but also by their wives ("such a man is not masculine"). Young fathers were ashamed of walking with a pram and maternity hospitals were like inaccessible strongholds for fathers, where their wives and new-born children lived a separate life from them, limited with strict hospital rules. Separation of children from mother after birth also caused tensions both in mothers and children.

Neglecting traditional attitudes is characterised by interview materials gathered within the survey "Work and stress" that was carried out in 1996 and 1997 among doctors and midwives of maternity hospitals and mothers by sociologists of the Institute of International and Social Studies. The interviews confirmed that one of the most significant changes in the 1990s was seen to be the introduction of family births and the changing of corresponding attitudes (Narusk 1999:73).

However, Estonian men are not yet used to staying home to take care of children or to being single parents. After divorce, as a rule, children are left to the mother to raise. There have been no surveys in Estonia to examine whether and to what extent a parent living separately makes maintenance payments to the child. Claiming of maintenance payments is a cumbersome and complicated process. Thus, in 1998 courts received 1980 applications claiming maintenance support to minors. As at 1 January 1999, executive departments of courts had 7959 proceedings pending, of which the majority had to do with ordering of maintenance payments from fathers.

In conclusion, it could be said that equal workload with men at paid work (but lower pay) and at the same time a higher workload in household and the general attitude favouring gender-roles have caused a situation where reconciliation of work and family life is mainly a women's problem. Such a situation does not inspire younger and more educated women to create a family of have children. Instead, they prefer a vocational and professional career. In order to change the situation, it is not sufficient to amend legislation or impose more stringent checks on the observance of present laws; it is also important to implement on a wider scale the measures aimed at reconciling work and family life. Relevant measures have been provided for in the national employment action plan.

National family policy

In order to analyse and solve family problems, a government committee has been formed and the concept for child and family policy has been elaborated, the basic version of which was completed in December 1999. The working version of the concept has been up for public debate on the committee's Internet page at www.riik.ee/valitsus/pere (Government committee for child and family policy). In principle, the concept supports shared responsibility of the family and the state in raising future citizens.

The overall aim of Estonia's child and family policy is to create an environment necessary for the development of children by guaranteeing welfare of children and families with children, regardless of the place of residence of a child and composition of the family. At the meetings of the family policy committee, also promoting of more equal distribution of family obligations of women and men has been discussed.

Article 6.

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Estonia has acceded to the International Agreement for the Suppression of the "White Slave Traffic" (Paris 18 May 1904 and 4 May 1910) and International Convention for the Suppression of the Traffic in Women and Children (30 September 1921). Estonia acceded to both conventions at the same time on 28 February 1930.

The current national legislation deals with the issues of traffic in human beings mainly in the Criminal Code (see Article 2 (g)) which establishes liability for selling and purchasing a child (Criminal Code Article 123-1) and switching or theft of children in revenge or for the purpose of personal gain or other personal reasons (Article 124). The Criminal Code does not deal with purchase and sale of adults, including women, but it contains provisions on prostitution.

In 1995, Article 202^6 of the Criminal Code on the prohibition of pimping was adopted, which establishes a punishment for pandering, and Article 201 of the Criminal Code, which prohibits a person to give permission to engage in prostitution on premises belonging to him.

§ 202-6. Pandering or pimping

(1) Pandering or pimping is punishable by up to one year imprisonment.

(2) Pandering or pimping a person between 18 and 21 years of age is punishable by one to three years' imprisonment.

(3) Pandering or pimping is punishable by three to seven years' imprisonment if committed:

1) using violence or other enforcement measures, or
2) against a minor, or
3) against two or more persons, or
4) by a person who has previous criminal record for the same act.

§ 201. Permission to engage in activities prohibited by law on premises belonging to person
Permission to illegally use narcotic drugs, psychotropic substances or other narcotic substances or engage in unlawful gambling or prostitution or other activities prohibited by law in residential or non-residential premises which belong to a person is punishable by a fine or detention or up to five years' imprisonment.

The draft Penal Code that is currently under preparation in the Ministry of Justice contains elements of offences against liberty of person, including slavery and trafficking into a country that restricts freedom of person. The above elements are aimed at criminalising traffic in people and keeping them in slavery.

The activity of a prostitute in itself is not criminal, i.e. such an activity by an individual person does not result in criminal or administrative punishment. The use of a prostitute's services is also not punishable.

Since 1995, when the Criminal Code was harshened, first cases have reached courts where an adult is accused of inducing or influencing minors to prostitution. Compared with the first half of the 1990s, under-age girls in brothels can now only rarely be found during police operations. And even in such cases the girls themselves have often cheated about their age to the owner of the brothel.

In 1997, the *Act to Regulate Dissemination of Works which Contain Pornography or Promote Violence or Cruelty* was passed (RT I 1998, 2, 42).

Prostitution is not a "visible" area of concern in Estonia – there is no street prostitution and there are no particular quarters. A rise in the scope of the problem of prostitution in Estonia could be noticed in 1992 when first sexual services firms operating in rented private apartments appeared, mostly offering services of call-girls. Growing gradually, the activity reached its maximum extent in 1994-1995 and has been decreasing since then, while also the proportion of minors among prostitutes is declining (94-95% of prostitutes are women aged 18 or older).

Police structures are being created to fight traffic in women and forced prostitution, and to improve international communication, co-ordination and co-operation of different police structures through Interpol and Europol. In 1998, a drugs and prostitution team was created in Tallinn criminal police.

The first to start activities for the prevention of prostitution from the medical aspect was non-profit association AIDS Support Centre in 1994.

Since October 1996, activities for the prevention of prostitution take place within a Finnish-Estonian joint project under the international "Starfish" project (prevention of migrant prostitution). The National AIDS Prevention Centre participated in the launching of this project and has provided methodological assistance to the project.

In the context of violence against children, Tartu Children's Support Centre and created Tallinn Children's Support Centre deal with the prevention of problems of prostitution.

Estonia participates in the international STOP-programme financed by the European Union, which lasts from 1998 to 2002. The programme is aimed at analysing reasons of prostitution, to observe problems related to prostitution both nationally and internationally, and to gather and distribute information about the phenomena of commercial sex. The programme seeks to establish co-operation with the police and authorities of different European Union member states.

According to a survey carried out within the international STOP project, 70-84% of women engaging in prostitution do it for economic reasons. Data about violence against prostitutes and their rapes was received from the survey of the STOP project carried out at the beginning of 1998, which demonstrates that about 10% of prostitutes become victims of violence during their activity. But practically never prostitution is taken up as a result of violence or at the threat of violence. This problem may be more frequent in connection with international traffic in women and prostitution, but no relevant data is available.

During the last three years, there is one known attempt from abroad to recruit prostitutes, which may have involved 10-20 people. There is international co-operation underway to ascertain such cases. There is no more exact data as to whether women have been induced abroad and have there been forced to engage in providing sexual services, though the media has brought up a few cases.

In the framework of the STOP programme, in June 2000 an international conference "Minors in sex trade" was held. The aim of organising the conference was to spread awareness of the problem and shape the public opinion.

Different organisations try to raise public awareness of the issues of prostitution. The media has started to speak about it and the society recognises it as a problem.

According to the data of the Tourist Board, there is no organised sex tourism in Estonia. Estonian tour operators and travel agents sell Estonian citizens package tours mainly to European countries. To places known as destinations of sex tourism, Estonian travel bureaus mainly intermediate tours of other countries' tour operators.

Estonian representatives participated at the Finnish-US-Baltic conference in Riga in March 1999 where the problem of prostitution was raised as a phenomenon relating to the sphere of human rights, status and equality of women. In co-operation with Nordic countries, creation of a working group has been planned to analyse problems of traffic in women – this is part of the Nordic Council of Ministers action plan for the following years. According to the action plan, first the legislation of participating countries and their support structures and services for prostitutes and victims of traffic in people will be analysed.

Article 7.

> **States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:**
>
> **(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;**

In the Republic of Estonia, established in 1918, equal possibilities of men and women were laid down by law. With the Constitution of 1920, women received the right to vote. Until the Soviet occupation, the independent country helped significantly to improve the position of women in society.

The second half of the 1980s – the last years of the Soviet occupation – was the period of revival of women's movement.

The supreme power of state is exercised by the people through citizens with the right to vote, by electing the Riigikogu or through a referendum.
According to Article 57 of the Constitution, an Estonian citizen who has attained eighteen years of age has the right to vote.

Article 60 of the Constitution lays down the number of the members of the Riigikogu (101 members) and the principle of their election. The *Riigikogu Election Act* (RT 1992, 13, 201), enacted on 11.06.1998, stipulates that the members of the Riigikogu are elected in free elections on the principle of proportionality. Elections are general, uniform and direct. Voting is by secret ballot.

Every Estonian citizen who has attained twenty-one years of age and has the right to vote may run as a candidate for the Riigikogu.

Article 156 of the Constitution establishes that the representative body of the local government is the council which is elected in free elections for a term of three years.

The *Local Government Council Elections Act* (RT 1996, 37, 739), enacted on 8 June 1996, stipulates that elections are general, uniform and direct. Voting shall be by secret ballot. According to the conditions established by the law, in the elections of a local government council, persons permanently residing in the territory of the particular local government who are at least 18 years of age have the right to vote. There are no limitations on the basis of sex, property, education, etc.

On the basis of the *Elections of the President of the Republic Act* (RT 1992, 31, 413), enacted in 1996, the President of the Republic is elected by the Riigikogu. If the Riigikogu fails to elect the President of the Republic, the President will be elected by the electoral body. An Estonian citizen by birth who has attained forty years of age may be nominated as a candidate for President of the Republic. There are no limitations on the basis of sex.

In presidential elections in the Republic of Estonia after the regaining of independence (held in 1992 and 1996), a female candidate has been put up on both occasions.

Both parliamentary and local government elections have in essence been elections of political parties.

On the basis of the *Referenda Act* (RT I 1994, 41, 659), an Estonian citizen who has attained 18 years of age by the date of the referendum may participate in it.

The changing role of women in politics

Participation in politics depends on the existence of men and women who wish to attain a high social position. In Estonia, there are 9% of such men and 6% of women. Women are more modest as regards to running in elections. On the other hand, they need more encouragement. (Raitviir 1999:22).

Sociological surveys carried out in 1992 and 1993 showed that participation in politics and interest towards politics is 1.3 to 2.5 times lower among women than men. The number of female deputies is also 7-8 times smaller. It means that considering women's interest towards politics and their political activity the proportion of women in the parliament could be expected to rise to 25-30% and in local councils to 35-40%. The difference in women's interest towards politics and their political activity as compared to men is not significant and therefore it cannot be the reason why women do not run and do not get elected.

It is characteristic of Estonian people that they are interested in politics but do not wish to be involved in it themselves: 88% of Estonian women and 77% of Estonian men claimed that they do not and will not participate in politics. But there is still a great potential to be realised: 14% of men and 6% of women do not currently participate in politics but would like to. Only some 7% of men and 4% of women directly participated in politics (Raitviir 1996:228-233).

Mainly two population groups regard women's participation in politics as a negative phenomenon – people with higher education and people with highest income. These groups are also opinion leaders. As they have not changed their opinion, the proportion of women in the parliament or in city or rural municipality councils is not increasing. Besides that, mainly younger people, pupils and students, found that women have nothing to do in politics (*ibid.*).

The proportion of women among the members of political parties is relatively high and their number on lists of candidates is also significant. As the elections of the Riigikogu in 1999 revealed, women's interest and will to be involved in politics has grown considerably.

Electoral system and women

There are fairly many women in political parties but on lists of candidates they are placed mainly in the second or third part of the list. In the present electoral system, the key issue for increasing the proportion of women is their number on the top of lists of candidates. Thus far it has been small, as a rule, as appears from the analysis of lists of candidates of political parties.

Table 7.1. The number of women lists of candidates in elections in 1999

	First number	Among first		
		10	20	30
Russian Party in Estonia	-	0	3	8
Estonian United People's Party	-	2	2	5
Centre Party	-	4	5	6
Progress Party	1	4	5	9
Estonian Rural People's Party	-	0	2	3
Coalition Party	-	2	4	6
Farmers Assembly	-	0	2	5
Estonian Blue Party	-	3	6	9
Moderates	-	3	4	7
Estonian Christian People's Party	-	1	3	6
Union Pro Patria	-	1	4	5
Reform Party	-	1	3	6

Source: Raitviir, 1999: 19

During the period of re-establishing Estonia's independence (1988-1991), women very actively participated in political processes. At that time also the (re-)founding of women's organisations began.

The proportion of women on lists of candidates and party lists is shown in Table 7.2 in the annex.

The proportion of women in Parliament

In the 1990s the Riigikogu has been elected three times in Estonia: in 1992, 1995 and 1999. The percentage of women on lists of candidates was respectively 14%, 17.4% and 26.9%, but only 13%, 11.9% and 17.8% got elected to Parliament (see Table 7.3).

Table 7.3 Members of the Parliament, 1999

Political party	*Women*		*Men*		*Total*
Union Pro Patria	*4*	*22,2%*	*14*	*77,8%*	*18*
Centre Party	*5*	*17,8%*	*23*	*82,2%*	*28*
Reform Party	*3*	*22,2%*	*15*	*77,8%*	*18*
Moderates	*3*	*17,6%*	*14*	*82,4%*	*17*
Estonian People's Party	-	*0%*	*7*	*100%*	*7*
Estonian United People's Party	*1*	*16,6%*	*5*	*83,4%*	*6*

Independent	*1 100%*	*- 0%*	*1*
Coalition Party	*1 16,6%*	*5 83,4%*	*6*
Total	***18 17,8%***	***82 81,2%***	***101***

The proportion of women who were running in parliamentary elections before the reestablishment of independence (1990) and in the elections of the Riigikogu of the Republic of Estonia (1992, 1995, 1999) has been given in Figure 7.1 in the annex.

The increase of women who were elected to the Riigikogu shows that there has been a certain shift and also women themselves have been more active than before. As they also received more votes per one person it can be assumed that women in politics will gradually become a common phenomenon.

Chairperson of the Moderates faction in the Riigikogu is a woman. Deputy chairpersons of the factions of Pro Patria Union, Centre Party and Coalition Party are also women. The constitutional committee of the Riigikogu is chaired by a woman, since March 1999 one of the deputy speakers of the Riigikogu is a woman.

An overview of the proportion of women in two last parliamentary elections is presented in Figures 7.2 and 7.3 in the annex.

The proportion of women in local councils and in major political parties

In local elections the participation of women has been higher and has been rising during the time of independence. In 1989, in elections of local soviets the proportion of women among all candidates was 15% and among deputies it was even lower – 9%. After the regaining of independence of Estonia there was a shift towards a balance – in 1993 and 1996 the proportion of women elected to local councils was respectively 24% and 31% (Raitviir 1999:13).

In 1999, there were 35.6% of women among candidates and 28.4% were elected. In cities and rural municipalities the percentage is more or less similar (28.2% and 28.4% respectively).

In larger political parties the proportion of women is between 30% and 40%. As at August 2000, there were no women's political parties in Estonia. All larger parties (Centre party, Pro Patria Union, Moderates, Reform Party) have their women's assembly.

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

According to Article 30 of the Constitution, offices in government agencies and local governments are filled with Estonian citizens on the basis of and pursuant to procedure established by law. In accordance with law, these offices may be, as an exception, be filled with foreign citizens or stateless persons.

Provisions of the *Government of the Republic Act* (RT 1992, 45, 574) and *Public Service Act* (RT I 1995, 16, 228) are gender-neutral.

Since the re-independence of Estonia, all governments have included female ministers. In the government taking office in 1999, there are two female ministers – Population Minister and Minister of Culture. Since 1999, the Secretary of State is also a woman.

Table 7.4 Proportion of women in governments

Governments	Ministers	of them, women
1992–1994	16	3
1994–1995	15	2
1995 (II)	15	2
1995–1997	15	-
1997–1999	15	2
1999	15	2

Women in public offices

The general distribution of civil servants by sex testifies of an equal proportion of men and women. Men form the majority among higher and junior civil servants, but women hold majority among senior positions, although the tendency in recent years has been towards a decline in the proportion of men and an increase in the proportion of women. Especially significant is the fact that men have mostly lost positions to women among higher offices where the proportion of men has decreased over 6% in four years (1997-2000). In 2000, the proportion of men among higher officials was 57% and women 43%, among senior officials 44% were men and 56% women, and among junior officials men made up 54% against women's 46%.

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

According to Article 29 of the Constitution, everyone may freely belong to unions and associations of employees and employers; according to Article 48 everyone has the right to form non-profit associations and unions. Associations and unions of employees and employers may use means not prohibited by law to protect their rights and legitimate interests.

Right of association and generally recognised principles of trade union rights are also guaranteed with the following international treaties:
- International Covenant on Civil and Political Rights (ratified September 1991);
- ILO Convention no. 87 "Freedom of Association and Protection of the Right to Organise" (September 1993);
- ILO Convention no. 98 "Protection of the Right to Organise and Bargain Collectively" (September 1993).

Estonia has also acceded to the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, article 11 of which guarantees the right to form and to join trade unions for the protection of one's interests.

In 1998, Estonia signed the European Social Charter and in 2000 ratified it. Article 5 of the Charter guarantees the right of organisation and Article 6 the right of collective bargaining.
In December 1995, Estonia ratified the ILO Convention no. 135 concerning the protection and benefits given to workers' representatives in enterprises which guarantees also the protection of representatives of trade unions.

Alongside the statutes of trade unions, their activity in Estonia is also regulated by the *Trade Unions Act* passed already in 1989 (amended 1992), which is valid to the extent that it is not in conflict with the current legislation of the Republic of Estonia. A new updated version of the *Trade Unions Act* is currently under proceedings and will probably be passed in 2000.

According to Article 2 (1) of the current Act, all persons who are employed or have a profession have the right to form trade unions. No restrictions may be made to exercising this right apart from those provided for in the law. There are currently two trade union confederations (central unions) in Estonia: the Estonian Central Union of Trade Unions (EAKL) with 26 membership unions, and the Organisation of Trade Unions of Employees (TALO) with 10 membership unions. The EAKL has 65 000 members, and the TALO approximately 50 000.

The EAKL has its women's organisation that has carried out surveys to find out the opinion of working women in order to take account of these opinions in their further activity. The Central Union also participates in international co-operation.

The right of collective bargaining is guaranteed to trade unions by the *Collective Agreements Act* (RT I 1993, 20, 353). According to Article 3 of the Act, one party to the agreement is an association, union or central union of employees or an authorised representative of a trade union, or also a local union of employees' associations.

According to the Estonian Central Union of Trade Unions, 25 600, or 42.7%, of its members are women.

Women's organisations as a part of civil society

According to the database created on the initiative of the Women's Training Centre, there are currently over 160 active women's associations in Estonia. The database is available for use also for the Estonian Women's Research and Information Centre.

After Estonia regained its independence, a number of women's associations were created. Now, in the so-called second wave, several new local women's organisations have been created, and some organisations have developed into umbrella organisations (for example, the Estonian Women's Union, the Association of Entrepreneurial Women in Estonia). Co-operation has become closer with European and world women's organisations. Women's organisations participate increasingly more in international projects and create local branches of large women's organisations. Presently, at least ten major Estonian women's associations and the majority of women's assemblies of political parties belong to international networks.

Since 1995, training for women has been carried out within different international projects with the aim to give knowledge and skills to influence public life. Such training has been actively organised both by state and local level institutions as well as non-governmental organisations. More important institutions have been the Women's Training Centre that started its activity in 1990, and Women's Civic Training Centre, founded in 1998. Socially active women have been involved in the events organised by the Women's Research and Information Centre. Women's associations have received direct support also from organisations in other countries. Within the framework of co-operation programmes with the UN Development Program, trainings have been organised first and foremost for women running to local councils in rural areas.

The Estonian Women's Research and Information Centre has organised several conferences in 1999-2000: "Estonian women in politics", "Women and local governments", "Estonian women as citizens of the European Union". These events have helped to raise awareness and motivation to participate in social life.

Since 1995, the state has provided systematic knowledge to strengthen civil initiative movements involving women. Representatives of women's organisations have constantly been included in delegations to international conferences and seminars. During the preparatory period for the UN General Assembly's extraordinary session "Beijing+5" dedicated to the UN fourth women's world conference, representatives of different women's associations participated in a conference in Reykjavik called "Women and democracy", in the second women's conference of Baltic Sea countries in Helsinki, in a conference "Beijing +5: achievements and perspectives" in Tallinn, and in a regional conference on the same topic in Vilnius.

Article 8.

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Public service in diplomatic positions has been regulated by the *Foreign Service Act* (RT I 1995, 15, 172) which also establishes requirements for recruitment to foreign service (Article 17). According to the Act, persons who meet the following requirements may be employed in the foreign service: 1) state of health allows employment in the foreign service; 2) oral and written knowledge of at least two foreign languages; 3) higher education; 4) not in a situation due to financial or other obligations which prevents performance of functions in the foreign service; 5) employment as an official of the Ministry of Foreign Affairs for not less than six months.

The above paragraph shows that *de jure* access to foreign service is the same for everybody regardless of the sex. Admittance to the School of Diplomats does not depend on the sex of a person.

The following tables present an overview of diplomats in foreign service according to distribution by sex.

Table 8.1 Proportion of women in diplomatic positions

	1996	1997	1998	1999
Total in diplomatic positions	222	236	253	266
of them, women	88	102	116	128
% of women	39,6 %	43,2 %	45,8 %	48,1 %
Married couples where both spouses hold diplomatic positions	2	4	5	6

Table 8.2 The proportion of women working in head office, 1999

By diplomatic rank and service	Total	Men	Women	% of women
Ambassador	7	7	0	0
Envoy	0	0	0	0
Counsellor	26	18	8	30,8
first secretary	15	10	5	33,3
second secretary	17	7	10	58,8
third secretary	31	9	22	71
Attache	44	13	31	70,5

By official rank				
Permanent Under Secretary	1	1	0	0
Deputy Permanent Under Secretary	4	4	0	0
Director General of Department	10	6	4	40
director of division	44	21	23	52,3

Table 8.3 The proportion of women in embassies according to post, 1999

	Total	Men	Women	% of women
Ambassador extraordinary and plenipotentiary	21	19	2	9,5
minister-counsellor	2	1	1	50
Consul	4	4	0	0
Counsellor	18	13	5	27,8
I secretary	16	12	4	25
II secretary	21	10	11	52,4
III secretary	23	9	14	60,9
Attaché	-	-	-	-

Table 8.4 The proportion of women in embassies according to rank and service, 1999

	Total	Men	Women	% of women
Ambassador extraordinary and plenipotentiary	6	6	0	0
minister-counsellor	0	0	0	0
Counsellor	27	22	5	18,5
I secretary	17	11	6	35,3
II secretary	19	12	7	36,8
III secretary	22	11	11	50
Attache	14	6	8	57,1

In 2000, the Estonian President appointed to office two female ambassadors: to the UN the ambassador is Merle Pajula, to Germany Riina Kionka.
Four Estonians work in the UN, two of them are women and two are men.
Among Estonian experts to the Council of Europe, there are 15 women and 18 men.
In 1998, Estonian delegation to the International Labour Organisation (ILO) had the biggest percentage of women (62.5).
Estonian representatives to both the World Health Organisation (WHO) and International Labour Organisation (ILO) are women.

In accordance with the *Foreign Service Act*, if a diplomat is accompanied by his or her spouse during the time he or she is assigned to a foreign mission, the foreign service allowance of the diplomat is increased by 35 per cent and the time spent by the spouse in the foreign mission is considered to be part of the length of employment of the spouse. If the spouse of a diplomat works in a foreign mission, the foreign service allowance of the diplomat is not increased.

The *Foreign Service Act* does not deal with the cases where both spouses are diplomats.

Article 9.

> **1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.**

According to Article 8 of the Constitution, every child of whose parents one is an Estonian citizen has the right to Estonian citizenship by birth. Everyone who has lost his or her Estonian citizenship as a minor has the right to its restoration. No one may be deprived of Estonian citizenship acquired by birth. No one may be deprived of Estonian citizenship because of his or her beliefs. The conditions and procedures for the acquisition, loss and restoration of Estonian citizenship are provided by the *Citizenship Act*.

According to Article 5 of the *Citizenship Act*, Estonian citizenship is acquired by:
1) a child if at least one of the parents of the child holds Estonian citizenship at the time of the birth of the child;
2) a child born after the death of his or her father and if the father held Estonian citizenship at the time of his death;
3) a child found in Estonia unless the child is proved to be a citizen of another state.

The Citizenship Act does not establish any special conditions for the acquisition or restoration of Estonian citizenship on the basis of a person's sex. Thus, both men and women can apply for Estonian citizenship according to the same rules. The loss of Citizenship by a husband does not automatically entail the change of citizenship of the wife. The change takes place only on the basis of a personal application.

Provisions discriminating on the basis of sex that were contained in the 1940 *Citizenship Act*, enacted in 1992, according to which women who were foreigners acquired Estonian citizenship upon marriage to an Estonian citizen, have been excluded from the current *Citizenship Act*.

One fourth of the Estonian citizens who are not Estonians are married to non-citizens. According to current legislation, such a marriage is not a basis for acquiring Estonian citizenship on simplified conditions. About 35 000 non-Estonians have acquired Estonian citizenship outside naturalisation. This included people whose parents were Estonian citizens and also women who had married an Estonian citizen before 26 February 1992.

Estonia's citizenship policy is increasingly oriented towards social and psychological processes of adapting non-Estonians. This orientation is also supported by non-governmental organisations. For example, on the initiative of the *Femina Baltica* network of female researchers seminars have been held to discuss the problems of mixed marriages. In autumn 2000 the Estonian Women's Research and Information Centre will organise a conference where also the influence of integration policy measures on women and men will be treated.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

According to the *Citizenship Act*, children have the right to Estonian citizenship by birth if one of their parents was an Estonian citizen at the time of the birth of the child. If the parent is not yet Estonian citizen but wishes to receive Estonian citizenship, the parent has the right together with his or her application to apply also for Estonian citizenship to the child. On the basis of the foregoing, it is not important which of the parents is Estonian citizen. If the child's parents are of different citizenship, the parents will decide which country's citizenship the child will acquire.

Children may be noted both in mother's or father's passport.

If one of the parents is not an Estonian citizen, a notarised consent of that parent must be submitted when applying for Estonian citizenship for the child. Since 12 July 1999, also the parents who are not Estonian citizens, as well as a single parent, may apply for Estonian citizenship for their child. By the date of application, applicants must have lived in Estonia at least five years and they may not be citizens of any other state.

If the parents of a minor under 15 years of age are dead, declared as missing or divested of active legal capacity, or are deprived of their parental rights, the guardianship authority or the minor's guardian who is an Estonian citizen may apply for Estonian citizenship for the child.

Article 10.

> **States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:**
>
> **(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training;**

According to Article 37 of the Estonian Constitution, everyone has the right to education.
According to the *Basic and Upper Secondary Schools Act* (RT I 1993, 63, 892; last amended 21.03.99), learning at public and local government general education schools is free of charge. Education legislation of the Republic of Estonia guarantees the principle of continuity according to which a person, regardless of the sex, has the right and possibility to move from one level of education to the next.

According to the *Basic and Upper Secondary Schools Act*, children who attain 7 years of age by 1 October of the current year are subject to the obligation to attend school. Students are subject to the obligation to attend school until they acquire basic education (nine years) or attain 17 years of age. Obligation to attend school can also be fulfilled by studying at home.

Completion of basic education grants the possibility to start acquiring general secondary or secondary vocational education, after the completion of secondary education a person can choose between secondary vocational or higher education.

Management of the educational system is divided into four categories in accordance with the *Education Act*:
the areas of competence of the Riigikogu, Government of the Republic, Ministry of Education and local governments.

People with physical, speech, mind and mental impairments and people needing special assistance are guaranteed a possibility to attend a school at their place of residence. If there are no appropriate conditions locally, the state and local government will guarantee them a possibility to attend an educational institution created for this purpose, guaranteeing their full maintenance.

According to the *Pre-School Child Care Institutions Act* (RT I 1993, 40, 593), a rural municipality or city government is required to guarantee all children living in its administrative territory a possibility to attend a child care institution.

The primary function of child care institutions is, by considering a child's age, sex, as well as individual needs, to create possibilities and conditions for shaping a harmonious person who is socially sensitive, self-confident, considerate to other people's needs, and environment-conscious.

According to the *Education Act*, secondary education in Estonia is divided in two parts: general secondary and secondary vocational education. General secondary education is a set of requirements established with the national curriculum for basic and general secondary education, the completion of which creates preconditions and grants the right to continue studying to acquire higher education. According to the law, the basic school and upper secondary school form a comprehensive school in which every next year is based directly on the previous year and enables smooth transfer from one school to another.

The state and local governments are required to guarantee to everybody who wishes a possibility to acquire secondary education. This provision derives from the Constitution according to which everybody has the right to education; studying is compulsory for school-aged children to the extent established by law and is free of charge in public and local government general education schools.

In choosing education for a child, in accordance with the Constitution parents have the final say.

Fulfilling of this right is clearly reflected also in the *Family Act* (RT I 1994, 75, 1326) – a parent has the right and duty to raise and take care of a child.

Parents are required to create favourable conditions at home for the child to study and fulfil obligation to attend school. In the case of failure to attend school by the child, the child's parents are imposed a fine of 20-100 daily wages.

In academic year 1999/2000, there were 707 educational institutions in Estonia providing full-time general education, 31 institutions providing evening or distant study, and 86 schools providing vocational, secondary vocational or specialised secondary education. There were 10 schools providing higher vocational education and 33 higher educational institutions. The total number of students has risen from 284 236 in academic year 1996/97 to 302 712 in academic year 1999/2000. Female students make up about 50% of all students. In the same academic year, there were 273 city schools and 433 rural schools, while 74% of the students attend city schools.

The level of education

According to the data of the Estonian labour survey in 1995, women outperformed men with regard to the majority of educational indicators: 19% of working age women had higher education, 30% had specialised secondary education, while among working age men 16% had higher education and 21% specialised secondary education. At the same time, one fifth of working age men and only a little over a tenth of women had elementary or basic education (Saar 1999:26).

The general picture of Estonian working age population and the level of education of young working age people has been presented in Table 10.1 in the annex.

At the level of secondary education, significant gender disproportions appear depending on the type of education: vocational education is dominating among men, and general secondary education among women. Gender differences are especially big in the level of education among younger age groups, being the sharpest at the level of higher education. These trends have been confirmed by all surveys carried out in recent years, including the representative "Survey of living conditions in Estonia in 1999", conducted by the Ministry of Social Affairs, the Statistical Office, the University of Tartu and the Institute of Applied Social Research (Norway). Whereas in 1959 there were less women than men with higher education among working age population, already then the number of women with general secondary and specialised secondary education significantly exceeded the number of men with the same level of education. Thus, women's overall advantageous position in education had its roots in their better position and attainment in the level of secondary education (*ibid.* pp. 25-26).

Table 10.2 The proportion of women at different levels of education, 1993-1999, at the beginning of academic year (%)*

	1993/94	1995/96	1997/98	1999/2000
General education	-	50,3	50,1	49,9
Full-time study: years 10-12	60	59	60	60
General education	-	50,8	52,4	52,8
evening and correspondence study: years 10–12	50	51	52	53
Vocational and vocational secondary study	42	44	43	45
Professional secondary study	53	54	55	53
Vocational higher education				86
Higher education, Diploma courses	47	53	58	58
Bachelor courses	53	52	53	55
Master courses	42	52	56	58
Doctor courses	33	46	52	55

Sources: Education 1993/94. Tallinn: ESA, 1994; Education 1995/96. Tallinn: ESA, 1996; Education 1997/98. Tallinn: ESA, 1998; Education 1999/2000. Tallinn: ESA, 2000.

*Note: In order to allow international comparison, the classification of Estonian curricula has been brought to conformity with the International Standard Classification of Education (ISCED). In connection with amendments of Estonian legislation, in 1999 the levels of secondary vocational education and vocational higher education were added to classification. At the same time, the levels of vocational education and specialised secondary education, which had been brought in line with the ISCED earlier, were changed. The table 10.3 which shows the classification of Estonian curricula is in the annex.

Education after basic education

In continuation of education after completing the basic school, there are remarkable differences between boys and girls: in secondary schools of general education there has been predominance of girls for years, in vocational educational institutions, on the other hand, boys hold the majority. The trend began in the 1970s in connection with the differentiation inside the secondary education. In order to compete with girls for admittance to secondary schools, the performance level of boys on finishing basic school had to be significantly higher. There was a tendency that the lower the average mark in acquiring basic education, the higher the differences between boys and girls in acquiring education after the completion of basic education. Gender differences in education can be seen as the main reason why girls have predominance in years 10-12 in general education schools (at the beginning of academic year 1997/98 they made up 60% of the total number of students).

Educational attainment after basic school by distribution of sex is described also in Figure 10.1 in the annex.

The considerably lower proportion of boys among students continuing their education in secondary schools of general education can be explained with the prior selection among boys which picked out only the most gifted ones.

In the 1990s students have increasingly begun to prefer attending a general education secondary school to secondary vocational schools. Although the percentage of students leaving basic school and proceeding to acquire general secondary education has constantly been rising both among girls and boys, the gender disproportions have preserved. Thus, in academic year 1997/98, 82% of girls and only 61% of boys finishing basic school entered an upper secondary school. In the next two academic years the proportion of girls proceeding to study in an upper secondary school rose to 83.6%.

In recent years, educational differentiation has increased first and foremost among boys: if the majority seeks to continue their education after finishing basic school, and especially to continue in upper secondary schools, then on the other hand, the proportion of boys who do not finish even a basic school has also increased (Saar 1999:29).

According to surveys "Estonian students 92" and "Estonian students 97", traditional gender differences appeared in future education plans of secondary school leavers: both at the beginning and in the second half of the 1990s the plans of girls were much more far-reaching. Girls considerably more often set as their aim to acquire university education: in 1997, 42 % of girls and 35% of boys intended to proceed to study at a university (Saarniit 1998).

The proportion of students proceeding to vocational schools after finishing basic school has been relatively stable since 1985, making up 20-26% of students finishing basic school. At the same time, girls make up only a little over 40% of students in vocational schools.

An overview of students entering vocational and professional secondary educational institutions is presented in Figure 10.2 in the annex.

Although the proportion of general education secondary schools has been constantly increasing in the structure of secondary education in the nineties, it does not mean that the hierarchical structure of secondary education has changed. The clear trends that developed in the last decade both with respect to the formation of the student body (there was the so-called negative selection to these educational institutions – those who were not admitted anywhere else went or were referred to vocational schools) as well as lack of possibilities for graduates of vocational schools to study further has contributed to the feminisation of higher education (Saar 1999:29).

For gender differences in the educational system see Table 10.4 in the annex.

Higher education

An important indicator of society's educational potential can be considered to be the total proportion of participants in third level education (higher and specialised secondary education), i.e. the ratio of people having acquired this education to the total number of 18-22-year-olds in population. In the 1990s, this indicator has constantly increased in Estonia, and more quickly among women than men. Along with the increase of the number of students also the expected study time of 6-23-year-olds has increased, which in 1999 was 13.4 years (Statistical Yearbook of Estonia 2000). The average expected study time of women has been continuously over half a year longer than men.

In 1997, the total proportion of participants in third level education among women was 51% and among men 41%. Thus, considering the trends in recent years it can be said that preconditions for universal post-secondary education are developing in Estonia, although mainly among women (Loogma 1998:19).

Table 10.5 Women and men in higher education at the beginning of academic year

	1997/1998		1999/2000	
	W	M	W	M
TOTAL	18 883	15 659	24 532	20 251
diploma courses	6116	4365	7772	6907
bachelor courses	10 813	9676	13 898	11 348
master courses	1485	1188	2089	1429
doctoral courses	469	430	682	567

Source: Education 1997/98, Tallinn: ESA, 1998; Education 1999/2000, Tallinn: ESA, 2000.

A more detailed overview of the proportion of female students and structural distribution at the levels of higher education has been presented in Table 10.6 in the annex.

When comparing possibilities for acquiring higher education separately for girls and boys who have acquired general secondary education, it appears that advantages of girls disappear upon entering university. The likelihood that boys who have acquired secondary education will continue to study at a university is considerably higher than among girls – the respective indicator for girls is only 73% of the indicator for boys (Saar 1998).

Due to preference of men at the labour market, the remuneration received by women with higher education for their efforts is lower than that received by men with the same level of education.

The proportion of women in master and doctor courses has constantly increased in recent years.

There have been no significant changes among academic staff in recent years. Women made up 43% of the academic staff in higher educational institutions in 1997/98. If women are in the majority among the lower level staff (assistants, lecturers, teachers), at higher levels the proportion of women has decreased significantly (Saar 1999:33).

Table 10.7 The proportion of women among academic staff (per cent)

	1995/96	1997/98
Professors	15%	15%
Docents	33%	34%
Senior researchers	30%	28%
Remaining	57%	58%
Total	41%	43%

Source: Education 1995/96. Tallinn: ESA, 1996; Education 1997/98. Tallinn: ESA, 1998

Table 10.8 Academic staff in academic year 1999/2000 in Estonia

Position	Total number	Women (%)
Professor	466	14
Professor extraordinary	101	25
Docent	802	32
Lecturer	915	52
Senior teacher	40	75
Teacher	283	75
Assistant	441	64
Senior researcher	180	30
Researcher	315	45
Remaining	11	18
Total	3554	44

Source: Estonia 1999/2000. Tallinn: ESA, 2000

Adult training

The state supports starting of different in-service training and re-training programmes for business and coping skills. The Free Education Union offers in its 70 training centres and study circles informal education training for different target groups, doing it to a large extent with the support from the state. There is also a national in-service training and re-training system for civil servants and for training teachers of public and municipal educational institutions. Participation of representatives of other occupations in training courses is mainly possible in the case of availability of private funding, if the employer or the employee will cover the expenses for training.

If in the 1980s men participated considerably more actively in adult training than women, in recent years the domination of women in this type of training is noticeable. In 1996-1997, women made up over 60% of participants in various in-service training and re-training courses (Saar 1999:35). A higher motivation can also be noted among women: in 1997, 41% of women and 32% of men wished to participate in in-service training and re-training.

The main reason for women's more active participation in in-service training and training is probably different occupational belonging and different level of education of women and men. Estonian adult training market is at present largely oriented to people with higher education. At the same time, it is much more difficult for people with elementary and basic education or vocational education to find or get admitted to suitable in-service training courses.

The concept of the Ministry of Education for reforming vocational education considers it important to reorganise and improve professional and in-service training for staff, including management and teachers, in order to guarantee that the curricula for training take into account requirements of the modern labour market. The concept sets out a preference to preparing staff for priority areas – first of all the areas of economy, business, service (tourism, catering and other areas), electronics and instrument-making industry, information technology, transport and logistics, communications, building.

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

In Estonia, studying takes place according to the national curriculum for basic and secondary education. There is a programme *Individual School* where studying takes place according to the national curriculum but the individuality of the school and student is taken more into account.

Teaching of boys and girls

In the majority of subjects, teaching of boys and girls is on a uniform basis. It should be kept in mind that on the basis of the *Basic and Upper Secondary Schools Act* a student has the right to choose a school that corresponds to his or her interests, to choose subjects within the scope of elective subjects taught at school or to study according to an individual curriculum.

Handiwork and physical training classes in elementary, basic and secondary school are still separate for boys and girls, therefore also attitudes towards gender roles are deepening (girls embroider, knit, sew, and boys construct, plane wood, build).

According to the basic school's curriculum for handiwork, in addition to general requirements girls must learn to know the main foodstuffs and right ways of food preparation; boys must develop their technical skills, acquire general technical knowledge and elementary technical literacy.

Teaching of handiwork takes place only in basic school but many schools use handiwork (especially cookery) also as a free or elective subject in secondary school level.

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

In general, boys and girls are taught together in Estonian schools, but there are also some separate classes for boys or girls. There are no separate boys' schools or girls' schools. Teaching materials have not been studied from the aspect of gender stereotypes. Together with the application of new curricula at different levels of education there are also efforts to bring the teaching basis of educational institutions up to a modern technical level.

Both in vocational schools as well as professional secondary educational institutions (see the classification of the levels of education in Table 10.3 in the annex) a clear segregation by sex according to training areas can be noted: both boys and girls prefer to study an occupation where students of the same sex are in the majority. In academic year 1997/98 ten out of eleven speciality groups in vocational schools were segregated by sex (i.e. either boys or girls made up over 60% of the students studying that speciality). In specialised secondary educational institutions only two specialities out of fifteen were not segregated. Gender segregation by speciality both in vocational and specialised secondary educational institutions is described in Figures 10.3 and 10.4 in the annex.

Teacher training is a speciality attended mainly by girls. The traditional idea of the profession of a teacher is reinforced by the present situation where the percentage of female teachers, female principals and female heads of department has been fairly stable and high throughout years (see Table 10.9).

Table 10.9 The proportion of female teachers and principals in Estonian general education schools

Year	1994	1995	1996	1997	1998
Female teachers, %	86,3	82,3	82,3	84,9	85,1
Female principals and heads of department, %	48	51	44	50	50

Source: Statistical Office of Estonia

Girls are in an overwhelming majority also in occupations like therapy and health care, housekeeping, trade and business, service and catering. The so-called boys' occupations have been technical science and technology, mathematics and computer sciences. If in vocational schools the gender segregation of training specialities has somewhat decreased in recent years then in specialised secondary educational institutions a reverse tendency can be noted, i.e. an increase of segregation.

Traditionally, women continue to study in the so-called women's specialities (education, humanities and social sciences). In Estonia, also over 70% of graduates in medical science are women. Among graduates of law the proportion of women has increased in recent years. If in 1993 the proportion of women among law graduates was 42% then in 1998 it had risen to 63% in bachelor's level.

An increase of the proportion of women can also be noted among graduates of diploma and master's level studies. Among graduates of diploma and bachelor's level studies in agriculture, women make up less than a half, while among graduates of master's level the proportion of women is higher.

For gender segregation by speciality of training and at different levels of education see Figures 10.5 and 10.6 in the annex.

Professional gender segregation in higher education has also brought along gender segregation by fields of science. The proportion of women is the highest in humanities, while men dominate in natural and technical sciences. It is worth emphasising that in practically all fields the proportion of women among students of higher educational institutions is significantly higher than among scientists of the respective fields. Thus, regardless of the fact that more than half of the graduates of higher educational institutions are women, their proportion among scientists is only 42%. At the same time, two thirds of technical and assisting staff in science are women.

Statistical overview of the total number of staff involved in scientific and development activities and the proportion of women in different fields of science has been given in Table 10.10 in the annex.

(e) The same opportunities for access to programmes of continuing education including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

According to the Estonian labour survey, the literacy level in Estonia is 99.85%. Practically all the few illiterate persons are disabled people in care homes. There are no programmes for raising literacy in Estonia; however, developing skills related to the information technology is an ever increasing topical issue.

Estonia's quick development in information technology has guaranteed access to computer-related training, computers and network services, which in turn require constant raising of information literacy. If programming and informatics have rather been men's occupations then data collection, processing and distribution (e.g. in libraries) have first and foremost been women's activities. In order to raise women's skills on information technology, several projects have been implemented. The national *Tiger Leap* programme has received international attention. Within the programme, over 4000 computers have reached schools and universities. It is a process covering the whole of Estonia with the aim to guarantee better infrastructure and availability of competent persons who can operate the infrastructure for their purposes.

In 1999, Estonia was among the first twenty countries in the world for the number of Internet users and according to the latest surveys already about 40% of Internet users in Estonia are women, which indicates a continuous increase in the number of Internet users among women.

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

The drop-out rate at secondary school level – the ratio of graduates to the number of students at the beginning of school year – was 92.6% in 1997 for girls in years 10-12, and 97.5% for boys. Thus, boys who have continued studies in secondary school are more successful than girls.

During the school year 1996/97, 627 girls and 930 boys dropped out from school, in 1999/2000 the number was 625 girls and 1087 boys. Only due to illness more girls than boys interrupt their studies. For the remaining reasons (expulsion, starting employment, death, other reasons) boys account for the majority.

At the national level there are no special programmes for girls who have left school prematurely. In co-operation of schools and local governments, solutions are found for example for the continuation of studies of school-age girls who had to interrupt school due to pregnancy and maternity leave.

There are no laws or policies that would aim in particular to keep girls at school until the completion of obligation to attend school. In accordance with Article 17 (1) of the *Basic and Upper Secondary Schools Act*, children who attain 7 years of age by 1 October of the current year are subject to the obligation to attend school. Students are subject to the obligation to attend school until they acquire basic education or attain 17 years of age. In the case of intentional failure by the parents to raise and teach a child, parents can be imposed an administrative punishment (a fine).

It is possible to finish secondary school as an external student.

(g) The same opportunities to participate actively in sports and physical education;

Girls and boys have legally equal opportunities to participate in sports and to develop their physical abilities at school. Estonian society accepts women's participation in all fields of sport. Availability of sporting equipment for men, women, boys and girls has not been specially studied. However, in the Estonian sports media male fields of sport and male athletes are covered more frequently.

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

School curricula include a basic course in family education on the basis of a special textbook. Youth counselling centres have been created and since 1998 in co-operation with the Nordic Women's Research Centre a programme *Living for Tomorrow* has been launched with the aim to start a wider dialogue among young people on the issues of sexual behaviour. Sexual education in Estonia is included in basic and secondary school curricula. Teachers of different subjects, physicians and psychologists provide instruction in health education at schools.

Among the institutions involved in improving sexual and reproductive health, the most important is the Estonian Family Planning Union, which was founded in 1994 and whose main areas of activity have been promotion of sexual education at schools and development and supporting of a network of youth counselling bureaus in Estonia.

There are at present 15 youth counselling centres in Estonia. There are also women's counselling centres offering special guidance to young women.

The Estonian Family Planning Union has initiated several projects and national programmes. In 2000, the activities of the Union include the following events:

- *Daphne* project for the prevention of sexual violence in youth institutions.
- Project *From Youth to Youth* (discussions on sexual education at schools).
- Preparation of a national programme for reproductive health.

The *Youth to Youth* project of the Estonian Family Planning Union has been active since 1995. The project is aimed at developing conscious and responsible sexual behaviour among Estonian youth to guarantee the protection and improvement of sexual and reproductive health. In the framework of the project, seminars on sexual education, group work and lectures in basic, secondary and vocational schools as well as universities and boarding schools for disabled have been carried out.

The rising of awareness of sexual education among young people and closer participation in western international family planning projects give hope that Estonia will obtain increasingly more of the best available information on sexual education and sexual health, family planning and contraceptives.

Article 11.

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

According to Article 29 of the Constitution, an Estonian citizen has the right to freely choose his or her sphere of activity, profession and place of work. The state organises vocational training and assists persons who seek employment in finding work and supervises working conditions.

In May 2000 Estonia ratified in full the first article of the *Amended and Revised European Social Charter* (RT II 2000, 15, 93), obliging thereby to achieve a possibly high level of employment, protect the right of workers to earn a living in a freely chosen occupation, provide all workers employment services free of charge and guarantee appropriate vocational guidance and vocational training.

Both active and passive labour market policies are carried out by the Labour Market Board and local employment offices.

On 1 August 1990, the Labour Market Board was formed. In 1991, 21 employment offices were created in all county centres (15) and larger cities (6). Since 1994 a national network of local government and county government employment offices is operating.

In 1998, there were 33 employment offices in the country.

In parallel with the state's employment agencies there are also private employment offices and increasingly more Internet web pages and relevant databases are used for offering jobs.

Draft law on labour market services is being drawn up that will also prohibit discrimination against job seekers on the basis of sex.

Changes in the labour market after regaining of independence have affected both women and men in the age of 15-69. Employment has decreased but the number of people seeking employment as well as the number of inactive people has increased.

Economic status of working age population in the years 1989-1997 is described in Figure 11.1 in the annex.

Major changes in the labour force occurred during the years of the first economic reform in 1992 and 1993 when total employment rate declined respectively 5.2% and 7.5%. Altogether, it meant that approximately 10 000 people left the labour market. In the same period, the number of unemployed people rose by 37 000 and the number of inactive people by 38 000 persons. The latter are in the risk of remaining outside the scope of employment policy. Whereas total number of inactive people rose by 31.4% in 1989-1997, the number of inactive women rose by 28.8% and the number of inactive men by 36%. In absolute numbers, there were 210 000 inactive women and 123 100 inactive men in 1997. The share of inactive women made up 38.3% of all women in the respective age group. The respective indicator for men was 24.7%.

Gender division of labour market shows that men and women are engaged in different areas of activities indicating that in Estonia the traditional patterns of "women's and men's spheres of job have developed. 54% of men work in the primary and secondary sector, while approximately 70% of women work in the service sector. As men work more in the sectors that are inevitably more vulnerable unemployment among them is also higher.

The labour force participation rate declined mainly due to departure of older age people from the labour market. A more rapid decrease in the activity rates for women was due to the fact that the number of women active in the economy who had reached retirement age decreased more than that of men. Second, in the 1990s as the waves of lay-offs due to the liquidation of big enterprises began that initially affected mostly women. After losing their jobs, women often left the labour market altogether. There was a very rapid decline in the activity of women in the economy in the beginning of the 1990s. In contrast, the decline of activity rates for men was spread more evenly over the entire period.

During the period of economic restructuring, rural women have been especially vulnerable group whose activity rates decreased more sharply than among rural men and urban women.

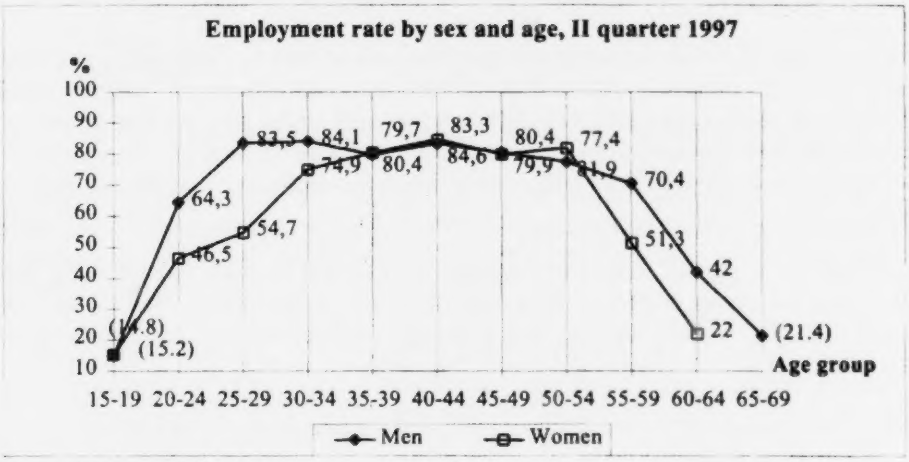
Young women left the labour market at the end of the 1980s and early 1990s because on the one hand, they were forced to leave their jobs and, on the other hand, there was an increase in the birth rate, the duration of parental leave was prolonged and many women did not re-enter the labour market (Anderson, Vöörmann 1996).

Employment

In 1997, the employment rate for men (the proportion of the employed among working age population) was 67.6% and for women 56%. The employment rate of men and women is clearly dependent on age: the employment rate of younger women, up to 34 years old, is considerably lower than the rate of employment of men of the same age and is related to women's role in the family. Giving birth to children inevitably results in a shorter or longer absence from work, and besides that taking care of infants has traditionally been women's role in Estonia.

In the age group of 35-54 years, the employment rate of men and women is more or less equal, reaching the highest level of all (about 83-85%). In the oldest age group, the employment of women again considerably falls behind, being 1.5-2 times lower than employment of men, the reason being probably the lower age of retirement for women as well as difficulties in finding work in such an age.

Figure 11.2



Source: Estonian labour survey 1997.

During the whole transition period, employment was lower in the countryside than in cities. Employment has been declining quickly particularly in recent years and especially among rural women. Their employment in 1997 was only 45.5% (*ibid.*, p. 44). Employment is significantly low especially in poorer areas and in periphery areas, particularly due to low employment of young people, first and foremost young women. In general, sex-based differences are bigger in the country than in cities.

Restructuring of the economy and decrease of the number of jobs brought along deepening of another phenomenon in employment – more people began to work part-time. This is more characteristic of women who make up approximately two thirds of all part-time workers. For certain people taking up part-time employment was inevitability, while for the others it was a conscious choice. The latter category included first of all pensioners (wishing to retain full pension) and young people (wishing to reconcile work and studies). In the initial years of economic reforms young men used to have more often full-time employment than young women of the same age because they had a long-term employment contract. Young women, on the other hand, were in the majority in groups who worked shorter days or who had a temporary or contractual work.

Unemployment

During the initial period of transformations, i.e. at the turn of the 1980s and1990s, unemployment in Estonia was an unknown phenomenon. The first government regulation to regulate social protection of job seekers was adopted in January 1991 and official registration of job seekers began in May 1991. A critical moment for unemployment were years 1991 and 1992 when the number of unemployed began to raise quickly both among men and women.

At the beginning of the 1990s there was no big difference in the unemployment rates for men and women. From 1995 onwards, however, the unemployment rate among men has been somewhat higher than among women. According to 1997 labour survey, women's unemployment rate was 9.7% and men's 11.2%.

By age groups, unemployment was the highest in 1990 among young people (15-24 years). Especially difficult has the situation been for young job seekers that have just finished secondary or upper secondary school and have no vocational training, especially young women who are in the majority in this type of education.

The data of the 1997 labour survey confirm that after an interim downward trend the proportion of short-term unemployed is on the rise again, whereas their proportion among women is somewhat higher as compared with the same indicator among men. On the other hand, for example in the second quarter of 1997, there were more long-term unemployed (for longer than one year) among men.

A wider goal of the state's employment policy is to guarantee retraining to all unemployed people and to facilitate the engagement in employment of persons who seek employment. For this purpose, both male and female unemployed are provided to employment trainings by local state employment offices. The trainings may be either in the form of employment training (trainings to acquire, improve or retrain vocational, occupational or speciality skills and knowledge) or as advising services for coping at the labour market and adjusting to the market requirements (by informing of the situation in the labour market and of the possibilities of employment training, offering employment mediation and vocational guidance).

Unfortunately, such kind of services offered by the local state employment offices is not yet very widely used in Estonia. For example, during December 1998, 34 812 job seekers applied to the employment agency, of those 20 872 were women; only 490 of those having applied went to employment training, and 320 of those were women.

In addition to employment training, the employment offices offer labour market (employment) subsidy in the amount up to 10 000 kroons to unemployed people enabling them to start their own business.

According to the data of the employment office, in 1998 total 380 people received labour market subsidy; 222 of them were women and 158 men.

In 1999, a new employment and training development plan was drawn up for the period 2000-2003. One of the priorities laid down in the plan is to guarantee equal opportunities for men and women at the labour market. The plan provides for the improvement of national statistics, including gender-sensitive indicators of administrative statistics, methodology, analysis and presentation of data collection. Implementation of the plan will enable in the future to receive more adequate and analysable data on the situation of women at the labour market.

In connection with European integration, a new National Employment Action Plan for the year 2002 was drawn up in the end of May 2001. Following the principles of the European Union's employment policies ("four pillars" of employment guidelines) the central activities of the plan are as follows: increasing employability, developing entrepreneurship and job creation, encouraging adaptability of businesses and their employees, and strengthening equal opportunities for women and men.

In the framework of *Phare 2000*, project *Support to the Balanced Development of Labour Market Services*, aimed at raising the administrative capacity of the Labour Market Board and employment offices, will be implemented. The project will start in 2001 at the latest and within it a system for monitoring and assessing of labour market policy will be worked out. Systematic assessment of the effects of labour market policy will enable to raise the efficiency and orientation of labour market measures to different target groups, including women, on the basis of objective information. Standards for providing labour market services will be worked out and labour market information system will be started that will contain job vacancies all over Estonia and will be accessible in all counties.

The government will finance from the state budget the preparation of the programme *Increasing Employment, Avoiding Long-term Unemployment and Prevention of Exclusion from Employment of Persons Belonging to Risk Groups*. Promoting of equal opportunities for women and men is integrated in this programme as a horizontal dimension.

Within the international programme *Poverty Strategies Initiative*, on 4 June 1997 the Deputy Director of the UN Development Programme Rafeeuddin Ahmed, the Minister of Social Affairs of the Republic of Estonia Tiiu Aro and the Minister of Finance Mart Opmann signed the project document "Preparation of National Strategy for the Reduction of Poverty in Estonia" which central aim is to prepare the basic document for the strategy of alleviation of poverty. The document was drawn up in close co-operation of three parties – the University of Tartu, the Ministry of Social Affairs and the UNDP. The views expressed in the document derive directly from scientific analyses, international materials, opinions and discussions expressed at seminars. The document was adopted with a decision of the project council on 27 April 1999 and it sees women as one risk group affected by poverty (see *Reduction of Poverty in Estonia: Background and Objectives*, 1999). The document that was drawn up in conformity with the agreement achieved at the UN World Social Development Summit in Copenhagen in 1995, provides the reduction of discrimination against women on the basis of sex, age, occupation, wage; of raising women's competitiveness on the labour market, and enhancing social security of women who live below the poverty line.

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

The *Employment Contracts Act* (see Art. 2 (a)) does not contain a clearly defined legal norm that would establish the right to equal conditions in access to employment and application of equal selection criteria.

According to Article 10 (2) of the *Estonian Employment Contracts Act*, it is not illegal to take into account the sex of an employee in hiring or assigning duties if this is unavoidable due to the nature of the work or working conditions.

According to Article 35 of the *Employment Contracts Act*, it is prohibited to hire and employ women for heavy work, work which poses a health hazard or underground work. The list of work which is prohibited for women is determined by the

Government of the Republic regulation no. 214, appendix 3 ("The list of heavy work and work which poses a health risk where employment of women is prohibited and the list of underground work of sanitary and common nature where employment of women is allowed", RT 1992, 34, 454). The list contains more than 40 jobs from the area of production where employment of women is prohibited. As all labour legislation is being harmonised with the European Union law, this list is a kind of relic from the Soviet era and needs to a reviewed.

Pursuant to the *Labour Protection Act* (RT 1992, 25, 343), the competence of exercising supervisory control over occupational and labour protection legislation is conferred on the Labour Inspectorate.

New draft of the *Employment Contracts Act* is under preparation. The rules in the *Employment Contracts Act* will be brought in line with the European Community law. Pursuant to the directive "On the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions" (76/207/EEC), all provisions that contradict the principle of equal treatment will be repealed or amended, including the provisions that were established with the aim to protect women if the reason for such protection has ceased to exist.

According to the decision of the meeting of the government (18.04.2000) on drafting the law on equality between women and men, the draft law will contain, the prohibition of discrimination in employment in the matters like hiring, determination of wages, working conditions, sending on vacation, etc. Exact norms and requirements will be established by laws regulating respective fields, for example, the requirement of equal pay by the *Wages Act*, prohibition of discrimination with respect to working conditions by the *Employment Contracts Act*, etc.

The principle of equal treatment of employees will be reflected in the new *Employment Contracts Act* that is currently under drafting. Specifically, unequal treatment is prohibited and also liability in the case of failure by the employer to observe the principle of equal treatment will be established.

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

According to Article 29 of the Estonian Constitution, an Estonian citizen has the right to freely choose his or her sphere of activity, profession and place of work. According to Article 37 everyone has the right to education.

The field is regulated and the right of all persons to vocational training is guaranteed by the *Education Act, Vocational Educational Institutions Act, Applied Higher Educational Institutions Act, and Social Protection of the Unemployed Act.*

Legal guarantees for adults to obtain training according to their will throughout the life are established by the *Adult Education Act* (RT I 1993, 74, 1054). According to the Act, it is possible to get level training, occupational training and informal education training using different forms of study. Possibilities to study are guaranteed in co-operation of the Government of the Republic and local governments.

Article 8 of the *Adult Training Act* enables persons who have a contract of employment with an employer to receive a leave for study to participate in level training and employment training.

Developing of the occupational counselling and vocational training system is connected with the current reform of vocational education in Estonia.

In 1996-1997, women made up over 60% of all participants in various in-service training and retraining courses (see Helemäe, Saar & Vöörmann 1998). See also the Figure 11.3 in the annex. Despite this, there is a so-called "glass ceiling" syndrome – only a small number of women reach top management positions.

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

The *Wages Act* (RT I 1994, 11, 154) determines the remuneration of work of the people who work on the basis of an employment contract; particular cases of application of the *Wages Act* in different fields of activity are determined with laws or regulations of the Government of the Republic. On the basis of the *Public Servants Official Titles and Salary Scale Act* (RT I 1996, 15, 265), uniform titles of offices and support staff positions and uniform salary scale in state administrative agencies have been established.

In order to harmonise national legislation with European Union law *The Wages Act* (see also Article 2 (a)) was amended according to the directive 75/117/EEC that provides the principle of equal pay for the same work or for work of equal value for women and men and prohibits discrimination on grounds of sex with regard to all aspects and conditions of remuneration. The Act which was adopted on 16 of May 2001 will guarantee equal pay for the same work or work of equal value for both men and women. The principle of equal pay contributes to the elimination of discrimination between men and women. The worker has a right to receive equal pay and in case of discrimination file a claim for compensation. The Act will enter into force on 1 of January 2002.

The discriminating nature of the fundamental principles of the classification of wages with regard to sex will be prohibited by the *Gender Equality Act*.
The prohibition to discriminate against women on the basis of wages has been established in different international agreements. The Republic of Estonia has ratified the ILO Convention no. 100 concerning *equal remuneration for men and women workers for work of equal value* in 1996, as well as Article 4 of the *European Social Charter*.

Wage disputes between the employer and employee are settled according to the procedure established by the *Individual Labour Disputes Resolution Act* (RT I 1996, 3, 57). If the employee and employer do not reach an agreement concerning a dispute arising in an employment relationship, both parties can turn to a labour dispute committee or to a court of law. The procedure of settling disputes in a labour dispute committee is simpler as compared to court, and the decision of a labour dispute committee is obligatory for the parties.

Fixing the national minimum wage takes place by agreement of tripartite negotiations.

According to the *Working and Rest Time Act* (RT I 1994, 2, 12), overtime work is allowed only in special cases, in many cases overtime work is prohibited. According to the *Wages Act*, additional remuneration to an employee for every hour may not be less than 50% of the rate of hourly pay of that employee. Payment of a higher additional remuneration for overtime work is determined with an agreement of the parties. The draft *Labour Code* is being drawn up which will establish that overtime work may not be compensated by granting of free time. According to the Working Life Barometer 1999, a survey carried out in the three Baltic countries, this is mainly practised with regard to female workers (Antile, Ylöstalo 1999).

The Working and Rest Time Act (RT I 2000, 17, 78) adopted by the Parliament on the 24 of January 2001 and will enter into force on 1 of January 2002. The act provides the duration and basis for the organisation of working time and rest time of employees and public officials except in cases where the working and rest time is regulated by other Acts or regulations.

The act is in accordance with the following directives: 93/104/EEC, 97/81/EC, 94/33/EEC, 92/85/EC.

No discrimination on the basis of sex has been observed regarding individual labour disputes. The reason for this might be general lack of understanding of the essence of gender discrimination and of the principle of equal treatment.

In Estonia, the females' average wages with comparison to the males' average wages employees has been approximately one quarter less during the whole time after the regaining of independence, whereas the difference in wages has deepened in recent years. In 1992, female employees' wages were 80% of the males' wages. In the subsequent years, it dropped even further and in 1997 women earned 72% of the average men's wages (Vöörmann 1999: 50-51).

The average hourly wages for men grew significantly faster in the 1990s than the wages for women (4.3 and 3.9 times respectively) which was the case in almost all occupational groups. The only exception is the group of civil servants where due to a considerable decline in differences of wages between men and women in 1997 a somewhat bigger increase in females' average wages can be noted. The greatest differences in increased rates for men's and women's wages were in the occupational categories of service staff, salespeople, and highly skilled professionals. (Vöörmann 1999: 51-52).

Differences in hourly wages on the basis of sex and by groups of occupation are shown in Table 11.2 in the annex.

The reason for pay differentials between women and men cannot be explained by different levels of education or women's smaller investments into occupational training. The investments that women have made in their professional training are by no means smaller than those made by men. Quite the opposite, women are becoming increasingly better educated than men. On the one hand, women are over-employed in certain areas of activity (horizontal segregation) where there is an excess of supply over demand which results in wages that are lower than those of men. On the other hand, men have acquired higher positions within areas of activity - a clear evidence of vertical labour market segregation (Helemäe, Saar & Vöörmann 1997). Therefore, the wage differences should be generally explained by an unequal treatment of women based on the occupational gender segregation.

The official statistics available clearly reveals the fields of economic activities where the differences between hourly wages of females and males by the main occupational groups are the biggest.

The effect of different wage systems, the criteria for assessing components of payments and for job evaluation as well as wage conditions in collective agreements have not yet been analysed from gender aspect

The draft *Gender Equality Act* foresees the possibility for applying positive measures with the aim of reducing horizontal and vertical segregation on the labour market and in educational system.

In order to reduce wage discrimination, a brochure based on the European Union's Code of Practice was published by the Ministry of Social Affairs in Estonian in 1999. The publication is called "Guidelines for equal pay for equal work to men and women" and has been distributed in public agencies as well as among representatives of non-profit associations.

Informal sector

Limited access to waged labour causes women to seek employment in informal sector. In this sector, work is insecure and less paid (less than minimum wage in the official sector). Low level of organisation and technology, limited access to a wider market and distribution outlets make the relations of production and income tense. Data on labour force involved in the informal sector by sex and by economic activity will be available in Time-use survey in 2001 carried out by the Statistical Office

The ILO made a resolution concerning the presentation of labour statistics in the informal sector on 28 January 1993 but the statistics in Estonia lack more elaborate data about the informal economy.

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

The Republic of Estonia ratified the amended and revised European Social Charter (including Article 12 in full) on 31 May 2000 and signed the European Social Security Code on 24 January 2000.

The right to paid leave is regulated with the *Working and Rest Time Act* (RT I 1994, 2, 12) that extends to all persons working on the basis of an employment contract. In exceptional cases, rest time of workers is regulated by other laws or regulations of the Government of the Republic.

Providing of old-age benefits is regulated with the *State Pension Insurance Act* (RT I 1998, 61, 979), *Superannuated Pensions Act* (RT 1992, 21, 294) and *Old Age Pensions on Favourable Conditions Act* (RT 1992, 21, 292).

Providing of invalidity benefits and survivor's benefits is regulated with the *State Pension Insurance Act*. Providing of unemployment benefits takes place on the basis of the *Social Protection of the Unemployed Act* (RT I 1994, 81, 1381).

Providing of medical services, sickness benefits and maternity benefits is regulated with the *Health Insurance Act* (Art 3, p 3).

According to Article 90 of the *Employment Contracts Act*, the employer is required to pay compensation to an employee upon termination of the employment contract. If the employment contract is terminated due to the liquidation of the company, agency or other organisation, declaration of bankruptcy of the employer, lay-off of workers or because of age, the compensation depends on the employee's length of service with that employer.

According to the *Public Service Act* (Article 113), public servants are paid a compensation upon release from service due to the liquidation of the agency or lay-off of the public servant.

The above compensations are single payments that depend on the earlier wage of the person. The employer has this obligation regardless of whether it is a case of termination of an individual employment contract or collective redundancy. In the case of bankruptcy of an enterprise, the obligation of the payment of compensation due to the termination of an employment contract has transferred to the state.

In the case of an occupational accident, the payment of compensations takes place on the basis of the *Health Insurance Act* and the *State Pension Insurance Act*. In the case of incapacity for work due to temporary illness, injury or maternity leave, the sick fund compensates the insured person partly or in full the lost wage through payment of temporary incapacity for work benefits.

According to the law, the sick fund pays the insured person a health insurance benefit per one day of sickness in the following amounts from the average income per one calendar day:

- in the case of hospital treatment 60% up to 120 days;
- treatment at home 80% up to 120 days;
- sanatorium treatment 65%;
- nursing a sick child up to 14 years old regardless of type of organisation of treatment 100%;
- nursing at home of a sick family member over 14 years old, taking care of a child up to 3 years old or a disabled child up to 16 years old (if the mother is ill) 80%;

- in the case of an occupational accident caused at the fault of the employer, other work-related health injury, occupational disease, incapacity for work caused as a result of protecting the interests of the state or society or preventing committing of a crime 100%;
- in the case of pregnancy and giving birth 100% for 126 days, in the case of a multiple birth or birth with complications 140 days;
- in the case of adopting a child up to one year old 100% for 70 days beginning from the date of adoption.

In the case of transfer to another work due to the condition of health, the sick fund compensates the difference in wages.

From the aspect of equal treatment for women and men, Estonian social insurance law is mostly in conformity with international requirements. According to the transition scale established with the *Sate Pension Insurance Act*, by 2016 the retirement age of women and men in Estonia will be equalised at 63 years.

In 1996, out of 370 531 pensioners there were 250 431, or 67.6%, women. Among old-age pensioners the proportion of women is even higher – there are about 2.5 times more women old-age pensioners than there are men old-age pensioners.

Approximately 25% of men retire before the general old-age pension age (i.e. they are granted either a superannuated pension or old-age pension on favourable conditions), while 13% of women retire before general pension age.

There are benefits in the pension system that women use more often than men. There is a provision in the *State Pension Insurance Act* which grants one of the parents 2 years of pensionable service per each child whom the parent has raised for at least eight years. Although the provision extends to both mother and father, in reality it is mostly used by mothers.

Among people receiving the lowest type of pension – national pension – there are eight times more women than men. One reason is the fact that women more frequently lack the necessary 15 years of pensionable service to receive general old-age pension. A factor is also the higher age of national pension – 65 years for men and 60 years for women, and the shorter average life expectancy of men.

In the pension system regulated with the *State Allowances Act* (RT 1993, 15, 256) there have been no major differences between average pensions of men and women.

The formula for calculating old-age pensions used so far (base amount + pensionable service component) brought to the same level people who previously had different income because the pension did not depend on the earlier income but only on the length of pensionable service. Such a system was more favourable towards women. The equalised pension system was like a kind of compensation for earlier wage differences between men and women.

The *State Pension Insurance Act* entered into force from 1 January 2000. The most important principles of the Act are:

- equalisation of the retirement age of men and women at 63 years by 2016.

- possibility to receive an early-retirement pension up to 3 years before attaining the retirement age prescribed by the law, whereas the pension is decreased by 0.4% for each month that the person retired earlier than the age prescribed by the law;
- calculation of old-age pension, incapacity pension and survivor's pension on a uniform basis;
- dividing the formula for calculating the pension into three parts (base amount, component calculated on the basis of years of pensionable service, and insurance component);
- accounting of the pensionable service on the basis of accounted or paid social tax;
- establishment of the requirement of pensionable service and accumulation period concerning incapacity pensions and survivor's pensions;
- creation of the pension insurance register.

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

The *Occupational Health and Safety Act* (RT I 1999, 60, 616) establishes supervision of occupational safety and occupational health at the level of enterprises, agencies and the state; basis for investigating employment injuries and occupational diseases; procedure for the settlement of disputes and liability for offences related to occupational safety and occupational health. The *Code of Administrative Offences* (RT 1992, 29, 396) establishes punishments for the violation of labour legislation that can be applied by officials of the labour inspectorate.

Employees or their representatives are guaranteed the right to participate in determining and improving of the working conditions and occupational environment. On the basis of the *Labour Protection Act* (RT 1992, 25, 343), the employer is required to create labour protection structures together with the employees. In an enterprise or a structural unit with at least 10 people, employees will choose a labour protection representative to represent them in relations with the employer and to participate in organising occupational safety and supervision. In enterprises with more than 50 workers (if less then with agreement of the employer and workers), a consultative and supervisory co-operation body is formed – a labour protection council. The *Collective Agreements Act* (see Art. 7 (c)) is a basis for the process of collective bargaining conducted with the participation of employees. In practice, working conditions are an important part of a collective agreement, often working conditions have been formulated in a separate labour protection agreement which forms part of the collective agreement.

According to the *Occupational Health and Safety Act*, technical, physical, chemical, biological, physiological and psychological factors affecting the working environment may not endanger the life and health of workers. The same law requires the employer to create suitable working and general conditions for pregnant women. Occupational health and safety requirements for the work of pregnant and breastfeeding women are established by the Government of the Republic.

On the basis of the *Employment Contracts Act*, pregnant women have the right to request temporary easement of working conditions or temporary transfer to another position based on a certificate for sick leave prepared by a doctor. The difference in wages will be compensated to the employee pursuant to the procedure prescribed in the *Health Insurance Act*. If the labour inspector of the seat (residence) of the employer establishes that it is not possible for the employer to ease the working conditions of the pregnant woman or transfer her to an easier job, she will be released from work for the period prescribed in the certificate for sick leave and paid a compulsory medical insurance benefit pursuant to the procedure prescribed in the *Republic of Estonia Health Insurance Act* (Article 63).

The *Labour Protection Act* (RT 1992, 25, 343) imposes on the Labour Inspectorate the obligation of monitoring the observance of labour and occupational safety legislation. An official of the Labour Inspectorate who has discovered a serious violation has the right to issue obligatory precepts to the employer and terminate performing of the work that may endanger the life and health of humans or performing of unsafe work or the use of such an object. State supervision over working conditions is also performed by the Labour Inspectorate.

> **2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:**
>
> **(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;**

According to the *Employment Contracts Act*, it is prohibited for an employer to terminate an employment contract with a pregnant woman or a woman raising a child under three years of age. Exceptions are: liquidation of an enterprise, agency or other organisation; the declaration of bankruptcy of an employer; unsatisfactory results of a probationary period; breach of duties by an employee; loss of trust in an employee; an indecent act by an employee. Termination of an employment contract on the above bases is only permitted with the consent of the labour inspector of the seat (residence) of the employer.

The *Employment Contracts Act* prohibits termination of an employment contract on the initiative of an employer while the employee is on a holiday (including parental leave and holidays without pay).

According to the *Employment Contracts Act*, it is illegal to restrict the rights of employees or employers on the grounds of marital status or family obligations. The law allows preferences based on pregnancy or the raising of children. The law establishes benefits for women raising children, also persons raising motherless children who are disabled or under three years of age; guardians of children who are under three years of age; guardians or caregivers of disabled children.

Upon lay-off, in the case of equal performance results persons who have dependants have a preferential right to remain at work. There are no actual relevant and gender-sensitive data concerning the effect of this provision.

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

The right of working women to receive a leave before and after the birth is based on the *Holidays Act* which states on the basis of a certificate for maternity leave, a woman is granted a pregnancy leave of 70 calendar days (10 weeks) before giving birth and a maternity leave of 56 calendar days (8 weeks) after giving birth. In the case of a multiple birth or a delivery with complications, a maternity leave of 70 calendar days (10 weeks) is granted. Pregnancy leave and maternity leave are added together and granted in full, regardless of the date of birth of the child. An adoptive parent has the right to receive a leave of 70 days (10 weeks) with pay, as of the date of adoption.

On the basis of the *Holidays Act*, a mother or father is granted parental leave at his or her request until the child attains three years of age. If a mother or father does not use a parental leave, the leave may be granted to the actual caregiver of the child. Parental leave may be used at once or in parts at any time until the child attains three years of age. For the duration of a parental leave, an employment contract is suspended and for this period of time the employee is paid child care allowance pursuant to the *State Family Benefits Act*.

For the time of pregnancy leave and maternity leave, a compensation is paid in accordance with the *Health Insurance Act* from the funds of health insurance on account of the social tax.

According to the *Employment Contracts Act*, one of the parents has the right to receive a parental leave until the child attains three years of age.

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

The *Pre-School Child Care Institutions Act* is a basis for both creating and operating of municipal and private kindergartens. The *Social Welfare Act* is a basis for the activity of day centres. Day centres offer services for families with children and also for taking care of adult people with disabilities and elderly people.

According to the *Pre-School Child Care Institutions Act*, there are child care institutions based on municipal ownership (municipal child care institutions) and private child care institutions. In accordance with the above law, a network of child care institutions has developed which should satisfy the relevant need in Estonia.

There are at present 670 pre-school child care institutions in Estonia; 18 of them are based on private ownership, the rest on municipal ownership.

Of children up to 3 years old, 28% attend a pre-school child care institution;
of 3-year-old children, 66.5% attend a pre-school child care institution;
of 4-yeat-old children, 71.3% attend a pre-school child care institution;

of 5-year-old children, 75% attend a pre-school child care institution;
of 6-year-old children, 74% attend a pre-school child care institution.

Taking care of school-age children when the parents' working day is longer than children's school day

The *Basic and Upper Secondary Schools Act* establishes the rights of students, for example: the right to use in extracurricular activities free of charge the school's buildings, rooms, library, or studying, sporting, technical or other facilities.

At basic schools and upper secondary schools there may be extended day groups, hobby circles, studios and other forms of extracurricular activities.

Extended day groups at basic school offer students support and supervision in finding activities for leisure and doing school homework, and provide pedagogical guidance to students in the development of their hobbies. If the parents wish and the owner of the school consents, principal of the school may form extended day groups for students in years 1 to 9. For the operation of extended day groups, the principal of the school will approve a timetable that spares students' health, determining the time for doing school homework, for rest in open air and for hobby activities. The expenses related to the activity of extended day groups are covered by the owner of the school.

According to the *Hobby Schools Act* and *Private Schools Act* (see Art. 10 (a)), hobby schools can be established in Estonia with the aim to offer students in addition to knowledge and skills provided in accordance with the educational standard also possibilities for acquiring education and developing a personality. Hobby schools are divided into:
1) music and art schools;
2) sports schools;
3) technical, nature, creative and hobby clubs and centres.

There are 32 hobby schools and centres in Estonia with attendance of about 21 000 children, of whom 13 000 are girls and 8000 boys. There are 31 private hobby schools.

There are 59 music schools, 9 art schools and 17 schools of arts in Estonia. They are attended by about 10 200 children. There are 56 sports schools with about 24 000 students.

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

The *Occupational Health and Safety Act* establishes the obligation of an employer to guarantee special protection of pregnant women.

The *Employment Contracts Act* prohibits pregnant women, women who have recently given birth and breastfeeding women to work in underground mines. The Government of the Republic has approved a list of heavy and harmful work for which employment of women is prohibited.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

In the framework of the UN Development Program's project *Promoting gender equality* carried out in 1998-2000, the conformity of current legislation with the requirements of this Convention was analysed. In connection with European integration, a comparative analysis was carried out also from the aspect of observance of the equality of the sexes.

On the initiative of the government, awareness of the problem of occupational discrimination has been raised through various media channels. Estonian society has begun to understand the problem and debate it.

Article 12.

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

In accordance with Article 28 of the Constitution of the Republic of Estonia, everyone has the right to the protection of health. The health care system guarantees both medical and paramedical aid. Health insurance provides a state-guaranteed system for the preservation of the health of inhabitants of Estonia and for the compensation of costs in the case of temporary incapacity for work due to illness or injury and expenses of medical treatment and compensation in the case of pregnancy and giving birth.

The *Health Insurance Act* (RT I 1999, 7, 113) guarantees the availability of medical assistance to persons who have either paid themselves or for whom social tax has been paid to the state health insurance budget. In addition, the health insurance budget covers the health insurance costs of certain persons who are considered as equal to the insured persons. Equal to the insured persons are also non-employed pregnant women from the 12th week of pregnancy.

Persons not covered with health insurance must pay their costs of medical treatment themselves.

Costs of emergency treatment of financially less secured persons who are not covered by health insurance will be covered from the state budget.

The *Health Care Act* (RT I 1994, 10, 133) is a basis for the organisation of activities to prevent the spread of infectious diseases, including AIDS, tuberculosis and sexually transmitted diseases, secondment of health care workers in the case of epidemics, catastrophes, natural disasters and emergency situations, and for the declaration of necessary regime on the Estonian territory in order to provide sanitary protection and prevention of the spread of infectious diseases.

The *Public Health Act* (RT I 1995, 57, 978) is a basis for the promotion of health and operation of agencies dealing with the prevention of diseases.

The Public Health Development Council has been formed at the Ministry of Social Affairs for making proposals for the development of public health strategy and directions, and drawing up of the action plan on the basis of the strategy. The Estonian Health Education Centre is responsible for national project-related methodological guidance and training for the promotion of health. Health promotion and health education are also dealt with at the University of Tartu, Tallinn Pedagogical University and Tallinn Technical University. Health promotion is also an activity pursued by a number of non-profit organisations (Allergy Society, Society of Family Practitioners, Society of Paediatricians, Stomatological Society, Estonian Family Planning Union, etc.).

Table 12.1 Independent health care institutions, 1999

	Number of institutions	incl. in private medicine
HOSPITALS TOTAL	78	28
General hospital	42	10
County hospital	10	1
OUT-PATIENT MEDICAL INSTITUTIONS	525	498
General medical institutions (independent)	368	350
Family physicians institution	254	251
STOMATOLOGICAL INSTITUTIONS	356	346
HEALTH PROTECTION INSTITUTIONS	16	-

Source: Ministry of Social Affairs

The share of private hospitals has grown dramatically – if in 1992 there were 2 private hospitals in Estonia, in 1999 their number was already 28.

In recent years, the number of hospital beds has been reduced in Estonia, but hospitalisation has even increased. The number of beds for rehabilitation, occupational diseases, orthopaedics and tuberculosis has been increased. The number of doctors has decreased by about 1000 people in the 1990s, similarly the number of appointments with doctor and the number of home visits per one inhabitant have decreased.

According to the data of the Ministry of Social Affairs, there were 4426 doctors in Estonia on 31 December 1999, including 3307 female doctors. 116 doctors had a scientific degree and 1788 doctors worked in private medicine.

The number and structure of health care workers is also described in Table 12.2 in the annex.

Health care statistics have been regularly collected since 1991 and the relevant database also enables analysis of all the indicators from the aspect of gender.

During the first years after the reestablishment of independence the state of health of the Estonian population deteriorated. Estonian women live on average ten-eleven years longer than men. The comparison of data in 1988 and 1994 shows that the life expectancy of men decreased even by 5.5 years mainly due to the increased mortality of working-age men. In recent years the average life expectancy has begun to rise and has achieved the level of the end of the 1980s, in the case of women even exceeded it. The life expectancy of men is approximately 10 years shorter than in developed countries (for women only about 3 years shorter).

From one hundred inhabitants in 1999, 47 were men and 53 were women. Although this relation has been about the same for years, detailed calculations reveal an increase of the proportion of women. In Estonia a large proportion of elderly people living alone is a problem, and it has to be taken into account in organising social welfare and health care services. According to demographic data, the proportion of single women in Estonia is larger than in any other European country. About 18% of men and 38% of women aged 60 or over live alone.

Table 12.3 Average life expectancy of men and women

Year	1960	1990	1991	1992	1993	1994	1995	1996	1997	1998
Men	64,3	64,7	64,4	63,5	62,5	61,1	61,7	64,5	64,7	64,4
Women	71,6	74,9	74,4	74,7	73,8	73,1	74,3	75,5	76	75,5

Source: Statistical Office of Estonia

An inevitable co-factor of the transition period is the decline of births. Due to the increase of the level of education of women and higher participation at the labour market they postpone giving birth and the total birth rate decreases. In the case of Estonia, a rapid decline of birth rate in the recent decade is notable. Such a birth-related behaviour has been influenced by an unstable social-economic situation. In recent time, the birth rate has decreased in all counties, both among urban and rural population. Yet, the birth rate in the countryside has remained higher than in cities.

The average age of women at giving birth rose from 25.5 years to 26.2 years in 1992-1997. But there has been a constant increase in the number women who register themselves in women's counselling centres already before the 12th week of pregnancy. If in 1992 these women made up 49.7% of all women registered in women's counselling centres, in 1997 they made up already 65.5%. At the same time, the number of visits to women's counselling centres increased. In 1997, every woman who gave birth visited a women's counselling centre average 11 times during pregnancy, including 9.6 visits to a gynaecologist.

There are total 18 obstetric wards in Estonian hospitals. In twelve hospitals, there were 500 or less births in 1999, in some hospitals even less than one birth a day.

In 1992-1997, the proportion of hospital births increased and the number of births outside hospital dropped.

Reproductive health

In connection with the application of the birth definition of the World Health Organisation since 1992, also infants with a very small birth weight (500-999 grams) who die during the first week of life are registered as births. Therefore, in 1992 the infant mortality rate increased significantly. At the same time, in 1993-1998 infant mortality was on a constant decline. If in 1993, per 1000 live births there were 15.8 children who died under one year old, in 1998 the indicator was 9.3 children per 1000 live births. This is related to the general decrease of mortality and also decrease of the birth rate – more attention is paid to every birth now.

Although due to the change of the definition of birth in 1992 both the number of late foetal deaths as well as early neo-natal deaths (in the age of 0-6 days) increased, the deaths of perinatal period decreased constantly in 1992-1999. In 1999, the perinatal mortality rate per 100 births was 9.6, but in 1998 it was only 7.5 and in 1999 it was 6.6. The decline of the perinatal mortality rate in this period is due to the decrease of early neo-natal deaths and stillbirths.

In 1999, there was an increase in infant mortality again – 9.5 infant deaths per 1000 live births. Early neo-natal deaths also increased. If in 1998 there were 3 early neo-natal deaths per 1000 live births (total 37 cases), a year later the indicator rose already to 4.2 (total 51 cases). However, the number of stillbirths decreased.
In recent years, also the maternal death rate at birth has decreased (see the Table 12.4 in the annex).

Table 12.5. Mortality due to complications during pregnancy, birth and period after birth

Year	1990	1991	1992	1993	1994	1995	1996	1997
Complications during pregnancy, birth and period after birth	7	6	4	5	8	7	-	2

Source: Ministry of Social Affairs.

With respect to examinations during pregnancy, there has been a significant increase of the number of ultrasonographic examinations before the 12th week of pregnancy. Among risk factors and complications during pregnancy there has been an increase in the proportion of imminent abortions and earlier caesarean sections. The proportion of anaemia has begun to decrease.

In 1992-1998 the proportion of premature births decreased somewhat (from 6.6% to 5.7%) The proportion of caesarean sections has increased. In 1992, caesarean section was made to 6.4% of women giving birth, in 1998 to 13.2%. The proportion of family births has constantly increased: in 1992 family births made up 12.6% of all births, and in 1998 it was 49.0%.

The average birth weight of new-borns has increased. For example, in 1997 the average birth weight of children born in time from single pregnancy was 3557 grams (3619 g for boys and 3490 g for girls).

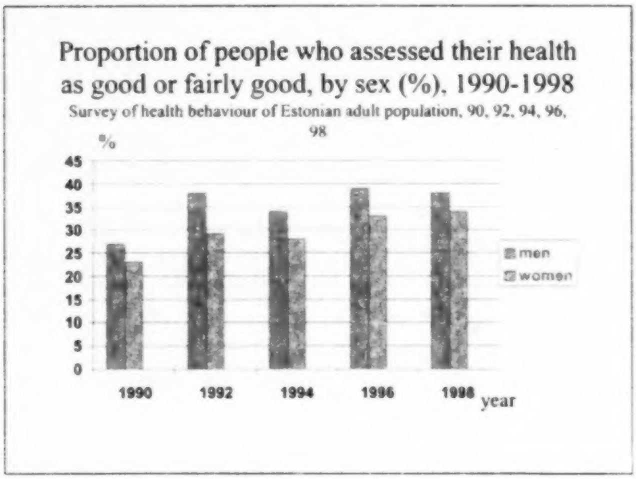
A statistical overview of the total number of births and division by sex has been presented in Tables 12.6 and 12.7 in the annex.

Subjective health indicators for women

Since 1990, on every even year, a survey of the health behaviour of adult population in Estonia is carried out to find out people's assessment of their health, use of medical services and other aspects of health-related behaviour.

In assessments of their general state of health, a rise of positive self-assessment by both sexes can be noted. It is significant that the average life expectancy of women is longer than that of men but they assess their health on average worse than men. It is also confirmed by the survey "Living conditions in Estonia at the end of 1994", according to which in virtually all age groups there were more women than men suffering from a permanent disease or complication. Consequently, also more women go to see a doctor (Sillaste, Purga, 1995).

Figure 12.2

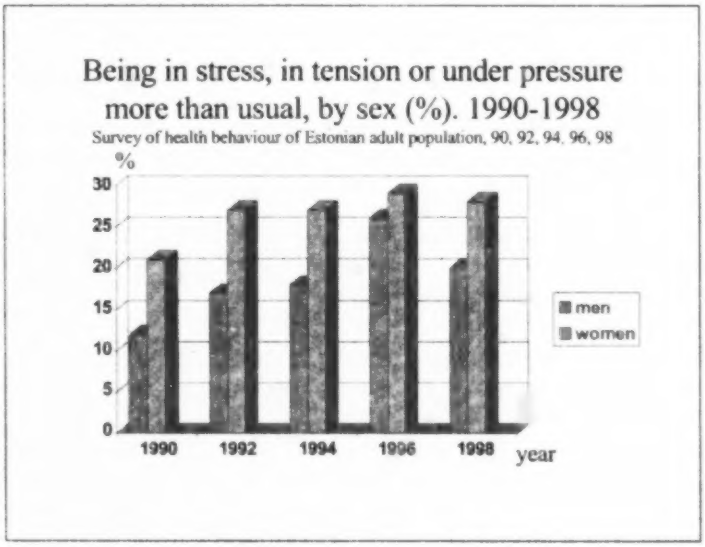


Source: Estonian Health Education Centre, 1999

With regard to all types of complaints asked about in the survey (headache, pain in joints, varicose veins in legs, insomnia, depression, skin rash, constipation with complaints, stenocardia, and swelling of legs), the proportion of women is usually higher. Among women, headache occupies the first place. Among complaints of men, backache is dominant. The proportion of people among respondents who do not have the above complaints is 8%.

Excessive stress, pressure or tension are more frequent complaints among women than among men. Women also use medicines more often than men.

Figure 12.3



Source: Estonian Health Education Centre, 1999

Headache is the most frequent cause of taking medicine both among men and women, though two times more often among the latter. Women also dominate the consumption of tranquillisers, various vitamin preparations and herbs. A general declining trend in the consumption of medicines can only be noted with respect to herbs and tranquillisers.

The proportion of people seeing a doctor has been between 61% and 67%.

Abortions

There is freedom of abortion in Estonia since 1955. In 1994 the Minister of Social Affairs enacted a regulation which set the conditions under which the operation to terminate pregnancy is not allowed and can be sanctioned.

Contraceptives (pills and IUD) are subsidised up to 90% for pupils and university students as well as for one year after giving birth and for 3 months after abortion.

The *Termination of Pregnancy and Sterilisation Act* (RT I 1998, 107, 1766), passed on 25 November 1998, allows sterilisation with the written consent of a woman – under the conditions that she has at least 3 children, that she is over 35 years old, that pregnancy endangers the health of the woman or there is a danger of giving birth to a child with a severe disability.

In 1990-1999, the number of abortions in Estonia declined constantly. In 1990 there were total 29 410 abortions, but by 1999 the number had dropped to 17 027 (Statistical Yearbook of Estonia, 2000).

The average age of women making abortion in 1998 was 28.2 years; about 25% of them had not given birth before. More than half of the women who had an abortion had not used any contraceptives immediately prior to pregnancy. The proportion of non-users of contraceptives was higher among younger women (under 20 years old). Of all the abortions in 1998, the majority (86%) were legally induced abortions. Most abortions (99.4%) did not result in any complications.

There are counselling centres for family planning and sexual counselling where assistance is offered by psychologists, psychiatrists, sexologists, gynaecologists, lawyers, dietologists, natural treatment specialists, andrologists, speech therapists etc. Assistance is also provided by help lines. The most active organisation in this field is the Estonian Family Planning Union.

In the case of pregnancy and giving birth, women are guaranteed a pregnancy leave and maternity leave and a compensation for that period in accordance with the *Health Insurance Act*. Pregnant women from the 12th week of pregnancy are also entitled to all medical examinations and medical services covered by health insurance in accordance with the above regulation. Throughout the country there are counselling bureaus. Pregnant women and their family members are also offered various training courses.

Sexually transmitted diseases and HIV infection in Estonia

Since 1991, the contraction of sexually transmitted diseases has been increasing. For example, in 1994 that can be regarded as the hardest year, occurrence of syphilis rose by 2.5 times. In 1990-1998, occurrence of syphilis increased 23 times. In 1998, there were 75.9 persons with syphilis per 100 000 inhabitants in Estonia. A high level of syphilis is an indication of the risk of HIV epidemic. On the one hand, it shows practice of unsafe sex; on the other hand, it has been proved that people with syphilis contract HIV infection more frequently than others.

First information about the increase of the level of hepatitis B and its connection with intravenous drug-users came in 1994. Since the end of 1996, occurrence of hepatitis B and C began to rise sharply. Most of the cases were connected with intravenous drug-users. Considering the fact that hepatitis B and C spread in the same way as HIV and in connection with alarming news about HIV epidemic among intravenous drug-users in the areas of the former Soviet Union, the AIDS prevention centre together with the non-profit association AIDS Support Centre began to examine the situation of intravenous drug-users, at the same time beginning preventive work among them. The proportion of women among intravenous drug-users in Estonia is increasing.

The first case of HIV in Estonia was registered in 1988. By 1998, 21 people had been diagnosed with AIDS, among them one woman. In 1988-1998, the infection spread mainly through sexual contacts, in the first years homosexual, later equally homosexual as well as heterosexual. Together with the spread of drug-use, the number of HIV infected people has increased several times. Most of the infected persons are men, but there are also women.

With the support of the Government and the Riigikogu, a national AIDS prevention programme was in operation in 1992-1997. As a follow-up to it, on 25 November 1997 the Government adopted a national development plan for the prevention of HIV/AIDS and other sexually transmitted diseases until 2001. The development plan is supervised by the Ministry of Social Affairs.

In 1989, the AIDS Centre was created in Estonia which in 1996 was reorganised into the AIDS Prevention Centre. In recent years, the AIDS Prevention Centre has started implementing new prevention principles, aiming at motivation-oriented prevention trying to influence people to acquire safer habits.

On the regional level, branch offices of the AIDS Prevention Centre and anonymous help offices are responsible for the HIV/AIDS prevention policy. The public health department of the Ministry of Social Affairs supervises the national development plan for the prevention of HIV/AIDS and other sexually transmitted diseases until 2001.

The programme council against AIDS was created in 1998 and its task is to co-ordinate the activities in different fields and of different ministries, to check the implementation of the programme schedule and use of funds.

The AIDS Prevention Centre is an institution that organises implementation of projects and tasks arising from the development plan, is responsible for the monitoring of epidemiological situation, co-ordinates co-operation between state and non-governmental bodies.

The AIDS Prevention Centre in co-operation with several non-profit associations started prevention activities as pilot projects with the aim to show the possibility and efficiency of this work. More than 20 information folders and brochures, video advertisings and other promotional material have been published.

The division of roles between state and non-governmental organisations is only starting to form. The Estonian Association Anti-AIDS, founded in 1990, was the first non-profit association of its kind to target AIDS. The association of HIV-positive people in Estonia, ESPO, was created in 1993. The AIDS Support Centre was created in 1994. The Centre deals with the prevention among risk groups, who are first and foremost prostitutes and intravenous drug-users. Work with injecting drug-users has become a priority in the last couple of years because this group is the most likely resource for HIV/AIDS epidemic. 85% of injecting drug-users are young men; young women make up 15% (http://www.undp.ee/child/2.3.2.html).

Movement "Parents against drug-use" was created in 1998 and it was a grassroots initiative that grew into a non-profit association and has now quite a large influence. The association informs the society about the new and alarming problem, co-operates with state structures to develop measures for combating drug-use, provides counselling for parents of drug-users, organises prevention work at schools and other educational institutions.

"The Estonian Association for Sexually Transmitted Infections" is an organisation that was created only in 1999. The association grew out of need for bringing together specialists from different fields who feel concern over a constantly high level of sexually transmitted diseases in Estonia and who try to change the embedded and obsolete stereotypes in diagnosing, treatment and prevention.

The state allocated money for combined treatment of AIDS for the first time in summer 1998. The move was also strongly prompted by the pressure by the organisations of HIV-positive people. The state allocated money also in 1999 and 2000 but patients must buy some of the necessary preparations themselves, which means that good results in treatment are not always guaranteed. People with HIV/AIDS receive disability benefits in accordance with general procedures established by law. The degree of disability is determined by the National Disability Expert Committee.

Despite the efforts of the state and non-governmental organisations, in 2000 the occurrence of HIV infection grew significantly, first of all among intravenous drug-users. Since the first case of registration of HIV until the middle of November 2000, 346 HIV-infected persons were registered in Estonia, 254 of them having been registered in 2000. In connection with a sharp increase of HIV-carriers in 2000, the Ministry of Social Affairs presented an action plan to the Government of the Republic which provides for closer co-operation with local governments for the prevention, drawing up and implementing of preventive programmes, and creating possibilities for in-patient treatment of juvenile drug-users.

Improving of the health of population

The government has taken measures to create an environment that is safe for health, to prevent problems of health and diseases, to prevent spreading of infectious diseases and to promote health in the framework of the following programmes:

1. National health programme for children and youth until 2005, within which national action plans will be worked out for the prevention and improvement of children's mental health, school food, school health care, school environment, children's injuries and activity of physical exercise.
2. Programme for the prevention of alcoholism and drug-use for 1997-2007.
3. National target programme for scientific and research activity in public health for 1999-2009.
4. National programme for the prevention of tuberculosis for 1998-2003.
5. National development plan for the prevention of HIV/AIDS and other sexually transmitted diseases until 2001.
6. Health care project to finance various development activities of the health care reform.

The programme for reproductive health is being drawn up which will aim at improving the reproductive health of Estonian people, guaranteeing reproductive and sexual rights. Reproductive health has been promoted since 1994 by the Estonian Family Planning Union that organises relevant training mostly in schools and youth counselling centres, but also elsewhere. The Family Planning Union also provides counselling on sexual issues by telephone and via Internet.

In order to guarantee development in the social field, the Ministry of Social Affairs has filed and application for Estonia's participation in the following European Union programmes: "Health-promotion programme", "Fight with cancer", "Aids-prevention", "Prevention of drug-addiction".

> **2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connexion with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.**

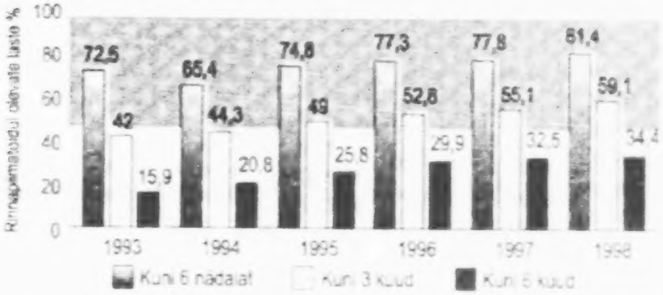
Access to medical services in Estonia is guaranteed first of all on the basis of the *Social Tax Act, Health Insurance Act and Health Care Act.*
Health promotion projects financed from the health insurance budget are used for the protection of reproductive health. The "Infant project" was launched in 1994 both as a national and local government project, within which essential supplies and information material about hygiene in the post-birth period are distributed to mothers after the birth of a child. This programme was also used to finance the production of video films on child care and reproductive health. Many local governments have started regional family programmes, supporting within the means of their resources mothers who have just given birth, providing them both material as well as financial assistance.

In 1994, The Breast Milk Committee was created in Estonia to promote breast-feeding of infants among women. According to the "Young mother project", 11.2% of mothers breastfed their children for more than 6 months.

Changing of the socio-economic situation in Estonia has influenced breastfeeding of children and eating habits. Many mothers breastfeed their babies longer now; however, cow milk still appears in the menu of many infants too early – far before the end of the first year of life.

Factors that affect breastfeeding have been introduced to Estonian paediatricians and nurses by the UNICEF specialists who have also trained them about counselling for breastfeeding. Paediatricians and nurses have explained to mothers the usefulness of breastfeeding and the impact of this work is apparent. If in 1993 there were 42% of three-month-old infants and 15% of six-month-old infants who were breastfed, in 1998 the respective figures were already 59% and 34% (Figure 12.4).

Figure 12.4 Breastfeeding of infants in 1994-1998



Source: Talvik, Mitt, Tomberg, Grünberg, Palo, 2000

The Estonian paediatric programme for 1998-2003, adopted at the 15th congress of Estonian paediatricians, sets a goal to promote breastmilk nutrition so that mothers would breastfeed their child at least until the 6th month of life. Crucial for safe maternity and for securing later quality of life is also the reduction of differences in the development conditions of new-borns and infants from different social backgrounds.

In conclusion it can be noted that, to a large extent, maternity is protected in Estonia accordance with European standards. For example, possibilities provided by the medical services as well as 18 months of pregnancy leave and maternity leave are available for parents and their children.

Article 13.

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

According to Article 27 of the Estonian Constitution, the family, being fundamental to the preservation and growth of the nation and the basis of society, shall be protected by the state. Families with children have the right to partial compensation of the costs related to taking care of, raising and studying of children and to state child benefits.

According to the Constitution, Estonian citizens also have the right to assistance by the state in the case of destitution. The *Social Welfare Act* (see Art. 5 (b)) guarantees a subsistence benefit to persons whose monthly income is less than the subsistence level established by the Government of the Republic on the basis of minimum expenses for consumption. Funds for the payment of coping allowances are appropriated in the state budget.

Local governments are required to provide a dwelling to a person or family who themselves are unable to guarantee it for themselves or their family, if necessary creating a possibility to rent a social housing or use a shelter. The payment of social benefits and provision of social services and other assistance is regulated by the *Social Welfare Act*. Guarantees under private law arise from the *Family Act* (see Art. 2 (a)).

Unlike at the beginning of the transition period, the amount of income of families depends now increasingly more on the size of families and the sex, age, nationality, education and social status of the head of the family (the family member with the highest income).

Inequality of the distribution of income by sex of the head of the family is apparent. In most age groups, families with a male head of the family received an income that was higher than average income of families. Families with a female head of the family received a higher income only in the group aged 50-59.

The average income of families with a female head of the family in 1997 was 14% lower than the income of families with a male head of the family, which was due to the different proportion and character of the sources of income of these families.

The difference of incomes of these families was the highest in the group aged 25-39. Incomes of women in their prime were significantly lower than incomes of men of the same age. Member of the family in the family with a male head who was aged 25-39 received 84% of income from employment and only 12% from transfers. Transfers made up approximately a quarter of income of members of families with a female head of the same age. A lower level of income of families with a female head can be explained by relatively low wages in the professions and occupations that are characteristic for women (e.g. teachers, medical workers and service staff) but also by a reduced possibility to compete actively in the labour market due to duties of raising children and taking care of the family.

Economic resources of the society have not yet allowed to value appropriately the characteristic role of women in society. During absence from work due to birth of a child, currently no benefits can be paid even at the coping level, let alone the subsistence minimum. While raising a child, many women are forced to choose not a work that best corresponds to their capabilities and education but a work that can be done alongside home and children. Consequently, mostly their income decreases. Lower than average incomes of women result in their lower living standard or a lifestyle that is dependent on husbands.

On the other hand, due to the nature of the source of income of women (the proportion of wages is significantly smaller and the proportion of transfers higher than among men), their income is more evenly distributed than income of men.

The role of women in society, which to a large extent is the cause of their smaller income as compared to men, can only change if the value system and traditional gender expectations will change. Smaller incomes of women, due to which the majority of families in poverty are families with children and families of single mothers, as well as constant decrease of fertility, have been acknowledged as problem both by the government and non-governmental organisations.

In general, the economic situation of a large number of Estonian families has deteriorated in the 1990s as compared to the 1980s. In order to avoid in future the reproduction of poverty through the institution of family, programmes for benefits and services oriented specially to families should be worked out in order to raise the resources of families and quality of life. On the one hand, taking into account women's special role in the preservation of the family and, on the other hand, recognising the need for higher participation of women in social and economic life, national strategies for the alleviation of poverty (see Art. 11 (a)) have laid a special emphasis on gender-related aspects of poverty.

According to the *strategy for the alleviation of poverty*, activities aimed at alleviating poverty among women should be developed with regard to the following important objectives:

- Reduction of general sexual, age, professional and wage discrimination of women through national policies.
- Raising at the labour market the competitiveness of women who live under poverty line (activation through developing organisational and management skills and raising of self-confidence; stimulating entrepreneurial initiative and improving entrepreneurial knowledge; working out specific retraining and further training programmes for women, etc.).
- Increasing of social security of women who live under poverty line due to performing the reproductive role and the role of a caretaker (preserving of job for a certain period in the case of interruption of profession and career; including among the length of service the years spent as a caregiver; compensation of voluntary work as caregiver, etc.).
- Improving of purposefulness of benefits in connection with fulfilling the role of the mother (tax exemption of alimony payments; establishment of state benefits in

the case of absence of father of a child/children or in the case of inability to fulfil the obligation of payment of alimony). Reasons and patterns of falling into poverty are different for men and women. The impact and efficiency of support schemes and services is also often different for men and women. Therefore, separate attention to gender-related aspects of poverty has to be given in social analysis of poverty and in finding ways to alleviate it.

(b) The right to bank loans, mortgages and other forms of financial credit;

The state does not give bank loans or financial credit. Bank loans can be obtained only from private institutions. The legal status of credit institutions is currently regulated with the *Credit Institutions Act*. Conditions of granting loans are established by a bank. The conditions are the same for men and women. Income of an applicant is considered when granting a loan. Married women do not need a husband's or other male person's consent for receiving a loan. However, a lower income of women may be an indirectly discriminating factor in obtaining a loan. A more important problem that has so far not been acknowledged by banks is the attitude towards the specificity of loans to women. In 2000, the first private bank to announce a small loan facility for supporting women's entrepreneurship was the Nordic Investment Bank.

Since April 2000, the Young Family's Dwelling Loan Project was started in Estonia in order to support young families in setting up their homes. According to the project, bank loans on favourable conditions are granted to young families with at least one child under 7 years old. In order to facilitate the repayment of the loan, interest on the loan is subsidised.

Different schemes of micro-loans have been implemented as pilot studies in the framework of projects under rural life development programmes.

According to the Government of the Republic regulation no. 132 ("Approving the procedure for granting and repayment of student loans and establishing the preferences for the redemption of loans"; RT I 1997, 54, 860), the progression of the term of repayment of a student loan and calculation of interest on it is suspended for the time of the recipient serving in the defence forces and for mothers for the time of parental leave for one year after the birth of a child.

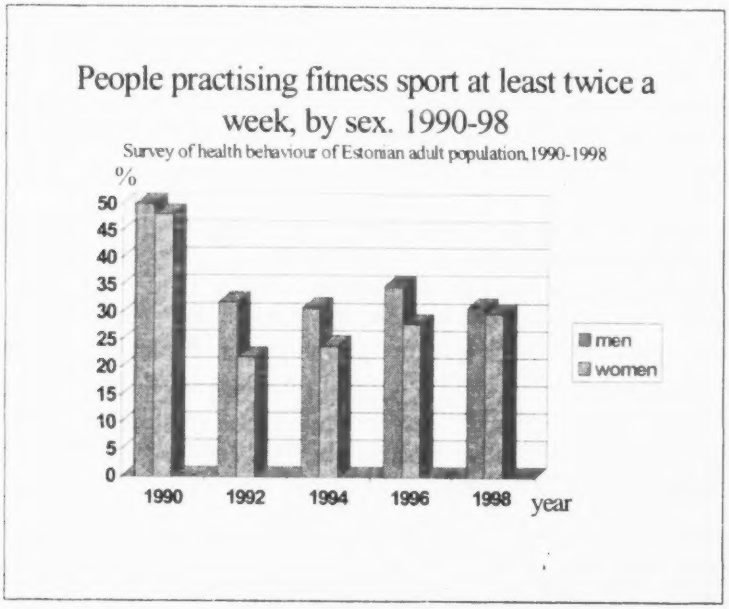
(c) The right to participate in recreational activities, sports and all aspects of cultural life.

The public at sports events and in recreational establishments (bars, restaurants, clubs) is relatively masculine. However, it has to be noted that the younger the age group the smaller the differences by sex. For example, under 25-year-old women without children are more similar to men for their out-of-home recreational activity than to other middle-aged women.

Women practise many different ways of spending free time either to the same extent with men (learning languages, listening to music at home, communicating with friends) or even more actively (handiwork, gardening, solving crosswords, art hobbies). In other kinds of activity, gender differences are not significant either: for example, at least once a month during free time 29% of men and 21% of women sit at a computer at home. A more important difference lies in the greater sport interest of men: both for practising of fitness sport and watching of sports events men previously significantly outnumber women.

During the transition period, low physical activity is quite a characteristic phenomenon. If in 1990 about 50% of men and women practised fitness sport at least twice a week, in the subsequent years their proportion has significantly dropped. Among women a small growth can be noted, though it has not reached the level of 1990. Physical activity among men has not considerably changed in recent six years. It is also significant that by age groups the number of people practising fitness sport is not the lowest among elderly people but among middle-aged people between 35 and 54 (Lipand 2000: 19-20).

Figure 13.1



Source: Estonian Health Education Centre, 1999

Article 14.

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

The rights of rural women in Estonia are protected with all laws that have been discussed under other articles of this Report. In connection with European integration, an analysis has been made concerning the conformity of Estonian legislation to the directive on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and in the protection of self-employed women during pregnancy and motherhood (86/613/EEC). In principle, Estonian legislation is not in conflict with the directive – rules for the establishment, supply and extension of business undertakings and conditions between spouses concerning the establishment of companies do not restrict the rights of women *de jure*.

There are no concrete numerical data about the situation of spouses who do not have an employment relationship or who are not partners but who participate on a regular basis in business activity fulfilling the same or additional duties as the other family member.

Employment in agriculture has dropped approximately twice and makes up 8.4% of general employment at the moment. In rural areas agriculture still plays an important role, in 1998 providing employment for 26% of people (in 1989 the figure was 37%). The decline of agricultural production pushes up increasingly the level of unemployment in rural areas. The average level of unemployment as calculated on the basis of ILO methodology was 10% in 1997 (officially registered about 4%). According to the ILO methodology, unemployment is relatively high in north-eastern Estonia (up to 25%). The biggest problem is structural unemployment (skills, level of education and qualification).

Analysis of employment of women and men shows that during the whole transitional period employment in rural areas has been lower than in cities. Differences of unemployment by sex are also bigger in rural areas than in cities.

An important reason why women benefit less from the productive resources and training in rural areas is their invisibility. Women's work in the agricultural sector has been underestimated to a large extent. Such an activity is often composed of unpaid work on a family farm or enterprise, work for means of subsistence, part-time or seasonal work. All such activities are not reflected in official statistics and they are viewed as homework. Policies in different areas and programmes concerning rural people cannot take into account sex-related aspects or women's interests and needs until the relevant base surveys are lacking.

Estonian statistics cover only agricultural production and do not reflect the situation of women occupied in agriculture.

Agriculture has been the activity with the lowest gross wage (half of average gross wage) already for years, lagging behind all other activities. On the basis of the present national statistics, the wage level of women and men in agriculture cannot be indicated separately. Occupancy by sex and field of activity indicates that in the second quarter of 1998 there were 18 800, or 6%, women occupied in agriculture and hunting, and 25 700, or 7.7%, men.

The indicator that would reflect the wage level of people occupied in agriculture by sex and field of activity still needs elaboration. The Estonian Human Development Report points to the net monthly income of family members depending on the social status (but not sex) of the head of family, whereas the status is divided as: wage worker, entrepreneur, farmer, pensioner, and other (unemployed, etc.). Out of the four given categories, the income of farmers is the lowest and the major part of their income derives from individual labour activity. In total, a member of the farmer's and pensioner's family receives an income which is one fifth less than average.

According to the survey "Socio-economic development in rural areas", ordered by the Ministry of Agriculture, women assess their property status lower than men; women also think that they have considerably less power.

Studies have shown that many women are not satisfied with the work that they do. Approximately one third of women claim that their abilities are used to an average extent, first of all due to the lack of possibilities to use their potential.

The first basic document on regional policy in Estonia was the 1994 regional policy conception, which was the basis for new trends appearing in regional development at the beginning of the 1990s. Possibilities for financing regional policy have become wider.

In 1999, he Government approved the Regional Development Strategy. Several development plans concerning the state's economic and regional development have been drawn up or are in the stage of completion (The Estonian economic development plan 1998-2000, national planning "Estonia 2010", county plannings for all counties, and other plans).

Estonia's regional policy is aimed at achieving a high and stable quality of life (secure and good living conditions, incomes, possibilities of self-realisation) of the people of all regions. The objective of Estonian regional policy is to balance the regional development of the country by strengthening local development potential and using it to the maximum extent.

With support from Phare, a pilot project to support alternative agriculture has been started.

The expected result of the implementation of Estonian regional policy is balancing of regional development by 2003 to the extent that in none of the counties:

- the average standard of living (measured as average income of a member of household) would not be lower than 75% of Estonia's average (in 1997 the lowest figure among counties was 73% of national average);

- unemployment (measured as rate of unemployment in accordance with the ILO methodology) would not exceed more than 35% of Estonia's average (in 1998 the highest figure among counties was 49% more than national average).

Regional development strategies do not target women as a separate group.

Measures aimed at improving the position of rural women consist of diversification of rural entrepreneurship and development of varied small business activities in rural areas.

Equality of the sexes and requirements of equal treatment have been referred to in regional programmes and in the national rural development plan drawn up by the Ministry of Agriculture.

Until 2000, nine different support programmes have been tried out to specially develop regional development. Four of them were directed at concrete areas and focused specifically on regional development. They included regional policy loan programmes and regional programmes for East-Virumaa, Setumaa and South-Eastern Estonia. Other programmes included a village development programme that encouraged local initiative groups and their organisational work; peripheries programme that supported infrastructure projects and other projects meant for raising the competitiveness of these areas; border areas project; islands project; monofunctional settlements project; and entrepreneurship support system.

In 1993-1996, with the Estonian-Swedish joint project "Kodukant" (Home Place) movements of rural areas were supported with seminars, training, etc. The most active participants in them were women's organisations.

Since 1996, national regional policy programme to support village movement was implemented. The programme aims to:
- support self-initiative,
- support small business,
- support new areas of subsistence in the countryside in addition to agriculture,
- increase the attractiveness of rural areas.

The programme has grown from year to year. In 1996, 31 projects were supported, by 1998 the number had risen to 63. Funds for supporting the village movement programme can be applied for by village development groups, women's and educational societies, youth organisations and other non-profit associations. Women's organisations have been very active supporters and implementers of the projects. In 1999, a separate goal of the programme was to support women's entrepreneurship. The biggest number of projects was financed through the village movement programme.

The international three-year ILO programme "More and better jobs for women" has been in operation in Estonia since 1999, being implemented in Valga county. A sub-goal of the programme is to develop a strategic model for improving employment in rural areas.

In the framework of the programme "More and better jobs for women", about 50 seminars for approximately 1000 participants were organised in 1999 and 2000. Most of the participants were rural inhabitants.

A database of women entrepreneurs of south-eastern Estonia has been created, a network of women's organisations is developing, business plans and marketing strategies have been developed. During the programme, the situation of rural women and strategies for guaranteeing their economic coping have also been on the agenda.

The following is a list of various projects and programmes aimed at rural women and financed from different sources. Among all projects, 28 were financed directly from the state budget and 16 from gambling tax.

The following projects financed by the Ministry of Agriculture have been aimed at women:

1. Training course for male and female farmers (1997).
2. From an idea to a business – a course introducing alternative possibilities for developing rural entrepreneurship (1997).
3. Counselling for rural women to start small-scale entrepreneurship (1998).
4. Life through a woman (1999).
5. Home economics for women farmers (1999).
6. AITÜMA (Aitame Igal Teotahtelisel Üle Mäe Astuda) (We will help every active-minded person step over the hill).
7. Home economics counselling material about forms of small-scale entrepreneurship appropriate for rural women (financed by the Nordic Council of Ministers) (1999).
8. Co-operation of Nordic and Baltic rural women – micro-credit (1999).

The projects have been financed from different sources:

Table 14 Projects meant for rural women

Source of financing	Number of projects
European Union	2
UN Development Program	2
Sweden	1
Estonian state budget	28
Gambling tax	16
Village movement programme	130
Open Estonia Foundation	21
Ministry of Agriculture	7
Nordic Council of Ministers	1

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

There are 198 rural municipalities in Estonia. After the last local government elections in 1999, there are 28.4% of women in rural municipality councils; in city councils the percentage is almost the same. There are 11 rural municipalities where women are in the majority, and three where there are no women in the council.

The number of mandates is big in local elections and the constituency is small – thus women have a larger say and a possibility of participating in decision-making. Often there are not enough people in a rural municipality or city who would be suitable for the work in the council. It is enough that a person is locally known, the local level also does not presume a higher social or professional status.

At the local government level women can participate equally with men in drawing up development plans but often development plans do not take into account the needs of women just because of the lack of awareness. Often women do not dare to speak about their wishes, considering them as unimportant, and give up protecting their needs. In order to improve the situation, a number of trainings have been carried out in the framework of different projects.

Proportionally, in the countryside women are represented more in the active development of the living environment than in cities.

There are 10 county associations of the home place movement and seven of them are lead by women.

Among the members of the biggest political party in Estonia, the Estonian People's Union, there are 32% of women.

Surveys ordered by the Ministry of Agriculture show a general tendency towards an increase of social awareness among rural women and towards the creation of new associations. According to the survey, most active are women aged 35-60. Rural women need first of all information about training possibilities and various counselling services. In part, the problem would be solved by the support of the Ministry of Agriculture for rural people for procuring computers, which in the case of availability of appropriate technological and family's economic possibilities would enable the use of the Internet for finding information.

On a regular basis, *Days of Rural Women* are organised; the seventh days took place in spring 2000.

For preparing the development strategy of Estonia for the 21st century, in the framework of the project administered by the Tallinn Centre of Stockholm

Environment Institute, gender-sensitive indicators for sustainable environment have been worked out. The indicators that make analysis on the basis of sex possible are available through the Internet at http://www.Agenda.

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

There are 78 hospitals and 10 509 hospital beds in Estonia, which makes 7.3 beds per 1000 people. Proceeding from demographic indicators and an analysis of the communication network, the development plan of the hospital network sets out that an optimum solution for Estonia would be 13 hospitals in four service areas with approximately total 3100 beds. This figure does not include nursing hospitals and health centres which may in turn have nursing beds.

Reorganisation of the Estonian health care system proceeds from the principle that simple functions/services have to be decentralised and made easily accessible for people, and complicated ones should be centralised in big well-equipped centres.

Only one fifth of rural women claim that their health is either completely or more or less in order; 70,5% of women assess their health as average, every tenth woman considers her health poor. At the same time, every sixth man considers his health to be poor. The most important cause of health problems is considered to be nervous overload – people suffer under stress, bad relationships at home and general insecurity. The health of women in rural areas and the reasons for its deterioration need further analysis.

Approximately 34% of women assess the situation of health care as good or very good.

Family planning services are offered to rural women by county counselling bureaus.

(c) To benefit directly from social security programmes;

Social security is guaranteed on a uniform basis both for rural women and women in cities. No specific analysis on the effect of these laws on rural women has been made as the pension reform is still in the stage of implementation.

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

Continuous education is guaranteed mainly on the basis of two laws: the *Adult Education Act* and the *Social Protection of the Unemployed Act*.

Any type of preparation, re-training and further training is practically accessible only for women who work either in quite successful enterprises, in local governments or in educational institutions. For women employed in agriculture and for those who do not have a job it is practically impossible or excessively difficult. Women who stay at home to raise children up to 7 years old may repeatedly register as unemployed, and those registered as unemployed have the possibility to receive further training or re-training in accordance with the *Social Protection of the Unemployed Act*. Such a possibility makes it easier to return to the employment market after parental leave.

One of the sub-programmes of the Regional Development Foundation financed by the state is specially aimed at rural women. Through the Regional Development Foundation a person (either a man or woman) who is wishing to start a business can first receive free-of-charge consultation and later consultation on favourable conditions.

Agricultural consultative services can be used by women who have been registered as entrepreneurs. Through the Central Union of Estonian Farmers (ETKL), it is possible to receive services also for women as members of a farm family. In 1999, there were 55 certified consultants at the ETKL: 51 economic, energy, building, forest, technical consultants, 3 farm tourism consultants and only one home economics consultant. In order to receive a consultative service, an agreement has to be concluded for a fee. There are no data about how many women have had to give up buying the service.

The agricultural counselling service programme that started in 1995 enables the use of national counselling funds to hire counsellors who are most necessary and most appropriate for agricultural producers. In addition to individual counselling, projects are also financed. In 1999, mostly organisations were financed (unions of farmers, etc.) but also at least one project aimed solely at women was financed; there were also several individual women who received funding.

According to assessments of experts, the need for training and counselling in rural areas is big. In general, 60.7% of women and 68.4% of men think that training is necessary. The areas that women considered as priorities were: human relations and psychology, general economic knowledge, entrepreneurship, computers and their use, overview of legislation, issues of tax system and ownership, principles of marketing.

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

In connection with economic restructuring after the re-independence, the general agricultural employment has dropped significantly in Estonia. In general, it can be said that the decline of the proportion of people employed in agriculture has hit people regardless of their sex, the proportions have remained relatively similar.

Table 14.2. 15–69-year-olds employed in agriculture and hunting industry, by sex (thousands)

Sex/year	1990	1994	1995	1996	1997	1998
Women	52,6	29,9	22,3	21	18,2	18,8
Men	84,2	46	33,2	31,1	26,3	25,7
Men and women	136,8	75,9	55,5	52,1	44,5	44,4

Source: Estonian regional statistics 1998

The primary sector, which has an important place in employment in rural areas, includes also forestry and fisheries. In 1998, about a thousand women were employed in fisheries and the same number in forestry; there are more men in these fields (six and eight thousand respectively).

Looking at the situation by types of employment, women in rural areas do less so-called independent work – there are more men than women working as self-employed or working in one's own enterprise; however, in subsidiary housekeeping there are more women.

Table 14.3. Employed population in rural municipalities, by sex and types of employment (as at 1 January 1999)

Sex/type of employment	Total workers	Wage work	On own farm	In own enterprise	In own subsidiary housekeeping	Individual employee, self-employed
total,%	100	83,13	6,70	3,38	5,42	1,36
men, %	100	82,52	7,01	4,19	4,57	1,71
women,%	100	83,88	6,34	2,40	6,46	0,93

Source. Estonian rural population 1999, p. 26

Table 14.4. Employed in agrarian sector, by sex and types of employment, 2nd quarter of 1998

Aged 15–74	Men (thous.)	Women (thous.)	Total (thous.)	Men %	Women %
Wageworkers	27,6	13,4	41,0	67,3	32,7
Entrepreneurs with wageworkers	1,0	...	1,0	100,0	0,0
Self-employed	9,9	3,6	13,5	73,3	26,7
Unpaid family workers	1,9	3,7	5,6	33,9	66,1
Total employed in agrarian sector	40,4	20,7	61,1	66,1	33,9

Source: Monthly of the Statistical Office 12/98, p. 35

In accordance with the *Social Protection of the Unemployed Act*, an unemployed person is eligible for subsidies for the development of entrepreneurship, i.e. a starting capital to open a business in the case of existence of a concrete business plan. In 1998, total 380 people received the subsidy, 222 of them were women.

Various societies of rural women have organised self-help groups which have also started to deal with the issues of self-development and coping. In many rural areas, "village movement" has been boosted. The Association of Rural Women in Estonia

and also other associations of rural women have consciously and continuously dealt with promoting self-development, coping, positive thinking and development.
The survey "Social-economic development in rural areas" has indicated that both in the opinion of women and men the main problem for entrepreneurship is financial capital, but also the lack of appropriate entrepreneurial spirit and of people who would have courage of initiative and risk, as well as lack of necessary equipment.

(f) To participate in all community activities;

In rural areas women participate much more actively in community activities than men. Only two fifths of women do not participate in the activity of any non-profit association, union or society. There are 96 different organisations of rural women in Estonia, some of which are large national organisations and others are societies engaging women in one village.

The Association of Rural Women in Estonia was created in 1996 under the Central Union of Estonian Farmers. The aim of the Association is to bring into public the problems of women, to influence decision-makers and get access to decision-making, to make a contribution to solving social problems.

The "Kodukant" Movement of Estonian Villages and Small Towns is a union of non-governmental non-profit associations that unites county associations of villages and other organisations interested in rural life and development of villages. The aims deriving from the main goal of the Kodukant movement are also promoting and supporting of family movements and women's and youth movements.

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

Gender-neutral legislation guarantees *de jure* uniform rights for women in obtaining loans. In accordance with the *Commercial Code* (RT I 1995, 26-28, 355), any natural person may be a self-employed person in Estonia, including farmers and freelancers. Legislation is gender-neutral also with respect to starting a business, procuring equipment and extending a business. Conditions for creating a joint business undertaking by spouses are not stricter than the conditions for the people who are not married to each other.

However, it is more difficult to receive credit in rural areas in the cases when traditionally the farm, i.e. the property that could be used as a security, is registered on the name of the husband.
Women who are primarily small entrepreneurs also remain outside the direct interest of commercial banks.

In the opinion of rural people themselves, possibilities for obtaining a loan are poor – 81.9% of women and 73.2% of men are of such opinion.

A good measure to alleviate lack of capital is considered the possibility of micro-credits in rural areas. There are two micro-credit projects in Estonia at present:

a) micro-credit project financed by *Phare* through savings and loan associations for everybody who is interested;
b) Nordic Council of Ministers pilot project *Grameen* aimed at women for the implementation of bank model.

The first loan system for women was announced by the Nordic Investment Bank in 1999.

The SAPARD investment programme is one of the most important means aimed for the development of rural areas in the next seven years. The Rural Development Plan that is the precondition for the implementation of the programme includes a chapter on equality ("Equal opportunities for men and women") as a condition that has to be observed in managing and implementing the plan.

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

37% of small housing in Estonia is located in cities, mostly in suburbs. The remaining 63% is in the countryside where engineering networks are relatively old and also insufficiently developed. Completion of high-quality and safely functioning infrastructure by each and every owner separately is both technically and economically unrealistic, however, a dwelling of normal quality is one of the basic needs of humans.

The main problems that arise from the effects of the Soviet-time housing policy and housing management and that need solution are the following:
- scarcity of financial means in the housing sector (difficulties with obtaining long-term credit, high loan interests, limited possibilities of inhabitants, etc.),
- predominantly poor state of housing, especially as to energy efficiency,
- there are no official technical and social minimum standards for housing,
- a tense situation in housing relationships in connection with returning of property to legal successors or pervious owners.

The aim of the development strategy of the Estonian housing sector that is a condition for liberal housing policy is: to improve legislation, support creating of conditions that would guarantee assistance to owners of housing, tenants, administrators and civic initiative associations in the housing sector in order to enable them start actively solving their problems themselves.

In Estonia, the infrastructure in rural areas is usually weaker than in cities. As there are many single older women living in the countryside (they are more in number than men), it may be claimed that the weaker infrastructure in rural areas is a problem with regard to women.

Among the top priorities that need support, both in women's and men's opinion infrastructure and housing support programmes remain in the second tenth.

More than a third of women assess the situation of roads and bus traffic as poor, though ranking communication services as relatively good. In connection with rapid computerisation, continuous attention has been paid to telecommunications in Estonia.

According to the survey of demand of the telecommunications market carried out by AS Emor and also according to the databases of the Estonian Telephone Company (Eesti Telefon), in 1997 there were 24 000 potential customers in sparsely populated areas of Estonia who needed a telephone connection service. In addition to them, about 10 000 customers were connected through long overhead transmission lines whose connection was unstable, the quality low and expenses for the maintenance of the lines exceeded the limits of reasonable management. The demand forecasts were specified in 1999.

In order to find an effective technical solution to the problems of communication in rural areas, at the end of 1997 a tender was announced with the aim to implement a telephone network that would enable everywhere in Estonia in a short time to satisfy applications for telephone services and thus also indirectly create better preconditions for the economic development of rural areas. In 1998-2000, an access network for 30000 subscribers in rural areas has been implemented.

By January 2000, the telecommunications system covered half of inhabited rural areas in Estonia and over 16 000 contracts of subscription had been concluded. In 2000, the coverage area was extended in East and West Virumaa, Harjumaa, Valgamaa, Põlvamaa, Järvamaa, Jõgevamaa, Tartumaa, Viljandimaa, Pärnumaa and Läänemaa.

The service provides the customer either at home or in office with a line equal to digital network main phone, in addition auxiliary telephone services can be used.

According to the Rural Development Institute, inhabitants in rural municipalities consider that since 1995 the situation of communications, roads and bus traffic has improved. Positive development has been noted in school education and medical services. At the same time, the development of infrastructure and communications is considered especially necessary.

According to the media polling company Baltic Media Facts Gallup Media, at the end of 1999, 21% of the Estonian population aged 15-74 used the Internet. The number of Internet-users among rural inhabitants has also constantly increased – if in 1998 the figure was 28%, in 1999 it had risen already to 34% which shows that also in rural areas there are increasingly more possibilities for using computers.

Marriage-related problems can be alleviated through the home-service system. In 1999, home services were provided to 5429 people, of whom 1906, or 35.1%, were disabled persons. The proportion of women was approximately 75% of the total number of users of home services (4070 women).

Compared to 1998, the number of users of home services has decreased a little (in 1998 services were provided to 5638 people), the proportion of disabled people among service-recipients has remained the same. Compared to men, the proportion of women among home-service users rose a little (by 2.5 percentage points).

According to reports submitted by counties, in 1999 there were 927 persons under care in families, 491 or 53% of them were women and 436 or 47% were men. As compared to 1998, the number of persons under care in families rose more than two-fold (in 1998, 416 persons were under care in families).

The proportion of disabled people under care in the reviewed period was 10%. Among them, older women were dominating, the proportion of children was less significant.

Article 15.

1. States Parties shall accord to women equality with men before the law.

Equality of women and men before the law

In Estonia, equality of women and men before the law is guaranteed by the Constitution (RT 1992, 26, 349), first sentence of Article 12 of which stipulates that "Everybody is equal before the law". The equality is guaranteed by Article 11 of the Constitution in the following way: "Rights and freedoms may be restricted only in accordance with the Constitution. Such restrictions must be necessary and shall not distort the nature of the rights and freedoms restricted." Thus, according to the present law, no one's rights and freedoms can be restricted in any respect on the grounds of sex as such a restriction is unconstitutional and therefore illegal.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

Equal civil legal capacity

In Estonia, the term civil legal capacity is defined in the *General Principles of the Civil Code Act* (RT I 1994, 53, 889). According to Article 7 (1) of the Act, passive civil legal capacity (passive legal capacity) is the capacity of a person to have civil rights and civil obligations. In order to implement the rights and obligations, active civil legal capacity is needed. Active civil legal capacity (active legal capacity) is the capacity of a person to acquire civil rights, assume civil obligations and alter or terminate them by the person's acts.

Every natural person has passive civil legal capacity, it begins with the live birth of a person and ends with the person's death and the law does not make its existence dependent on the sex of a person. Active legal capacity, however, does not originate merely with a live birth of a person but a person acquires active legal capacity upon attaining 18 years of age, persons under the age of 18 have limited active legal capacity. A person's passive legal capacity cannot be restricted or the person cannot be deprived of it during his or her lifetime. But the law allows through court procedure on request of an interested person to limit a person's active legal capacity. In such a case, the person is placed under guardianship. The present law also recognises deprivation of a person's active legal capacity. At the request of an interested person a court of law may deprive a person of active legal capacity if due to mental illness or mental disability the person is persistently unable to understand the meaning of his or her actions or to direct them. Such a person is also placed under guardianship. Thus, the law sets out declaration of incapacity of a person on grounds of health or other reasons but not on the grounds of a person's sex.

a) entering into agreements

Article 94 (1), of the *General Principles of the Civil Code Act* stipulates that a natural person may enter into a transaction in person or through an agent. The law does not restrict with regard to a person's sex the general right of persons to enter into transactions.

However, the law restricts entering into transactions by certain persons (if a person's active legal capacity is restricted or if the person is declared without active legal capacity) or prohibits persons to enter into transactions through their agent if the law or agreement prescribes that such transactions must be entered into in person.

For example, according tot the *Employment Contracts Act* that is in force since 1992 (RT 1992 15/16, 241) no employment contract may be entered into through an agent. On the basis of Article 29 of the *Employment Contracts Act*, every employee, including a minor, will enter into the contract in person.

It is also not allowed to enter into a marriage contract through an agent. According to Article 117 of the *Family Act* (RT I 1994, 75, 1326), prospective spouses submit a written application for marriage to a vital statistics office in person. According to Article 1(5) of the same Act, prospective spouses contract marriage with both being present in person at the same time. A marriage is contracted when the marriage registration is signed by the prospective spouses. According to current law, marriage is contracted between a man and a woman. Both parties enter into contractual relationships independently and under own name.

b) administration of property

According to the Constitution, the property of every person is inviolable and equally protected. Everyone has the right to freely possess, use, and dispose of his or her property. Restrictions are provided by law. In Estonia, ownership relations are regulated by the *Law of Property Act* (RT I 1993, 39, 590) that entered into force in 1993. According to the Act, property is things and monetarily appraisable rights and obligations belonging to a person. A person exercises control over things first and foremost by way of possession. Possession is protected by law against arbitrary action. Arbitrary action is the unlawful violation of possession of a thing or the unlawful deprivation of possession without the consent of the possessor. In general, a person may be deprived of things only either on the basis of a court judgement or by way of expropriation, which means that a thing is transferred in the public interest and for an immediate and fair compensation. Positive law does not provide for any other bases and therefore they cannot be applied for the transfer of property. If a possession has been arbitrarily violated or if a person has been arbitrarily deprived of a possession, the possessor has the right to demand judicial protection of the possession.

In addition to possession, Article 68 of the *Law of Property Act*, grants the owner an even bigger right stating that "ownership is full legal control by a person over a thing. An owner has the right to possess, use and dispose of a thing, and to demand the prevention of violation of these rights and elimination of the consequences of violation from all other persons. The rights of an owner may only be restricted by law or the rights of other person." Thus, ownership grants a person the right, besides owning the property, also to freely use and dispose of the property, which includes also transfer, pledge, etc.

Under the restriction of ownership, the law establishes first of all restriction in the public interest or to protect ownership of another person. The law does not foresee restriction of a woman's ownership merely because the owner is a woman. With respect to certain ownership, its transfer is restricted with other rights, for example, in the case of common ownership and joint ownership. In the case of transfer of common ownership, co-owners have the right of pre-emption. Joint ownership arises from the property that spouses have procured during marriage and as a rule both spouses have the right to half of the property (if they have not previously concluded a different notarised agreement with the marital property contract). According to the law, one of the spouses (either the wife or husband) may transfer property that is in joint ownership, only with the consent of the other spouse.

c) attitude in courts

The Constitution states that everyone whose rights and freedoms are violated has the right of recourse to the courts. This right of every person is further elaborated in procedural legislation – the *Code of Civil Court Procedure* (RT 1998, 43-45, 666), the *Code of Administrative Court Procedure* (RT I 1993, 50, 694) and the *Code of Criminal Procedure* (RT 1995, 6-8, 69).

Article 4 of the Code of Civil Court Procedure stipulates that "every person whose rights or freedoms are violated or contested has a right of recourse to the courts for the protection thereof pursuant to the procedure provided by law". The same law states that all persons are equal before the law and the court in the administration of justice in civil matters. The same principles are established in the code of administrative and criminal procedure. Accordingly, Article 13 of the Code of Criminal Procedure states clearly that justice in criminal matters is administered according to the principle of equality of persons before the courts regardless of the persons' origin, social status, financial situation, race, nationality, gender, education, language, attitude towards religion, field and type of activity, place of residence and other circumstances.

A separate legal act is the *Courts Act* (RT 1991, 38, 472) that is in force since 1993. Article 4 of the Act guarantees everyone the right to judicial protection. In accordance with the provision, every citizen has the right to judicial protection in cases of violations against life, health, personal freedoms, property, honour and dignity, and violations of other rights and freedoms ensured by the Constitution. Justice is administered according to the principle that all citizens are equal before the law and the court. Thus it may be stated that in Estonia the principle of equality of persons before the law and the court is at least *de jure* guaranteed.

According to Estonian legislation, women may freely act in courts as judges, lay judges, representatives, prosecutors, parties, witnesses and other parties to the proceedings.

Acting as a judge

According to the *Status of Judges Act* (RT 1991, 38, 473), a judge may be a person who has high moral values, is suitable for the work of a judge and who has graduated the faculty of law at the University of Tartu or has the law education of an equal standard. The act does not establish any restrictions on the basis of sex when becoming or being a judge. This is confirmed also by statistical data. The court system in the Republic of Estonia consists of three tiers. In the first instance (city and county courts) there are 160 judges – 106 of them female judges. In the second instance (circuit courts) there are 41 judges and 23 of them are women. In the third instance (the Supreme Court) there are 17 justices, among them 4 women.

Of 17 members of the Supreme Court of the Republic of Estonia, 4 are female justices. A vacancy of the position of a justice of the Supreme Court is announced by the Chief Justice of the Supreme Court in the official gazette Riigi Teataja. According to the *Status of Judges Act*, every Estonian citizen who is at least 30 years old, who has education in law and high moral values may apply for the position of justice of the Supreme Court. Judges are appointed for life and they can be removed from office only on the basis of a court judgement.

Acting as a lay judge

In the cases provided by law or at the request of the parties, besides judges, also lay judges may be included in the composition of the court in the first instance. They have equal rights with a judge in the administration of justice. According to Article 12 of the *Status of Judges Act*, a lay judge may be an Estonian citizen aged 25-65 who is permanently residing in the Republic of Estonia. The law also establishes restrictions according to which lay judges cannot be persons who have been convicted of an intentional criminal offence or who are not suitable for the work because of the state of their health or who have lived in the territory of the particular local government for less than a year or who are in the service of the prosecutor's office, the police, the military or the bar.

Acting as a representative

According to the effective legislation, every natural person may pursue the matter in court either personally or by a representative. A legal person pursues a matter in court only through a representative who acts within the authority granted to him or her by law or agreement.

Article 88 of the Code of Civil Court Procedure provides an exhaustive list of persons who may not act as representatives in court: persons divested of active legal capacity; minors (except in the case where they represent their children as legal representatives); persons with restricted active legal capacity (except in the case where they represent their children as legal representatives); judges, preliminary investigators or prosecutors (except in the case where they represent their children or wards as legal representatives), or other persons involved in the proceedings.

Persons may themselves choose their representatives. In practice, people prefer to use persons who have legal knowledge, in most cases lawyers, as representatives in court. Court has the right to appoint a lawyer as a person's representative at the expense of the state if the judge finds that essential interests of the party in the proceedings may fail to be protected because of the person's inability to pay for a lawyer.

According to the *Republic of Estonia Act on the Estonian Bar* (RT 1991, 45, 546) enforced in 1992, persons suitable for the work of a lawyer and with higher legal education who are Estonian citizens and have passed a relevant examination at the qualifications committee can be admitted as members of the Bar. Members of the Bar are attorneys-at-law, their senior assistants and assistants. Lawyers are legally competent in their profession to represent or protect people (customers) who need legal assistance in courts, investigative bodies and enterprises and public agencies and to freely choose means and ways for providing legal assistance which are not prohibited by law. They are also competent to collect evidence and claim notices and other documents from government agencies and other persons that are necessary for providing legal assistance. Lawyers have also other rights and obligations arising from the fundamental principles of lawyer's work that were approved with the UN General Assembly resolution no. 45/166 on 18 September 1990. As at April 1999, the Estonian Bar had 359 members, 123 of them women.

Acting as a prosecutor

Prosecutors are representatives of public prosecution in criminal proceedings. In accordance with the *Prosecutor's Office Act* (RT 1993, 11, 184), an Estonian citizen with active legal capacity who has attained at least 21 years of age, has completed an academic higher education in law, is proficient in Estonian to the extent established by or pursuant to law, is of high moral character and has the necessary abilities and personal characteristics, may be appointed as a prosecutor. Restrictions have been provided in the same Act and according to them the following persons may not be appointed as a prosecutor: a person in respect of whom a conviction for an intentionally committed criminal offence has entered into force; a person who has been released from the public service for a disciplinary offence; a person who has been disbarred from the Estonian Bar Association or expelled from the notary's profession; a person closely related by blood (parent, brother, sister, child) or by marriage (spouse, spouse's parent, brother, sister, child) to the prosecutor to whom he or she is directly subordinate; a person who due to his or her state of health is unable to work as a prosecutor. In the case of doubt, a medical committee will determine the state of health of a person. At the beginning of 1999, there were 101 women among the 172 prosecutors.

Acting as a party

The right of acting as a party is covered by the above provision of the Constitution that establishes the right of each and every person to have recourse to court to protect one's rights. Thus, the applicant and the person against whom the application is submitted become the parties. The procedural legislation guarantees that every person whose rights or freedoms are violated or contested has a right of recourse to the courts for the protection thereof pursuant to the procedure provided by law. There are no restrictions on the basis of sex either in law or in practice in order to be able to have recourse to the courts.

Acting as a witness

According to the law, any person may be heard as a witness who may be aware of circumstances that have relevance to the case, unless the person is a party to the proceedings. There are certain restrictions for persons who act as witnesses. For example, the court may refuse to hear as a witness a person who is up to 15 years old or who because of his or her physical or psychological disability is unable to perceive the circumstances that have relevance to the case or to provide a true testimony. At the same time, the law gives witnesses the right to refuse to give testimony if with the testimony he or she would have to disclose himself or herself or his or her spouse, former spouse, parent, child, brother, sister, grandparent or grandchild of committing a criminal offence or indecent act.

> **3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.**

Deeming null and void of documents that restrict the rights of women

According to Article 15 of the *Constitution*, the courts will declare unconstitutional any law, other legislation or procedure which violates the rights and freedoms provided by the Constitution or which is otherwise in conflict with the Constitution.

According to Article 66 of the *General Principles of the Civil Code Act*, a transaction which is contrary to the constitutional order or good morals is void. A transaction which is contrary to law is void except if the law is not significantly violated.

According to Article 15 of the *Employment Contracts Act*, conditions in an employment contract that worsen the situation of an employee can be declared null and void. Employment contract terms which are less favourable to employees than those prescribed by law, administrative legislation or a collective agreement are invalid.

> **4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.**

Right to move freely and to choose the residence

Article 34 of the *Constitution* stipulates the following as everyone's right: "Everyone who is legally in Estonia has the right to freedom of movement and to choice of residence. The right to freedom of movement may be restricted in the cases and pursuant to procedure provided by law to protect the rights and freedoms of others, in the interests of national defence, in the case of a natural disaster or a catastrophe, to prevent the spread of an infectious disease, to protect the natural environment, to prevent the leaving of a minor or a person of unsound mind without supervision, or to ensure the administration of a criminal proceeding." According to the Constitution, everyone is also free to leave Estonia.

However, the legislator has established restrictions to free choice of residence by certain persons. According to Article 22 of the *General Principles of the Civil Code Act*, the residence of a minor (i.e. a person without active legal capacity) is the residence of his or her parents or guardian. If the parents are living apart, the residence of the minor is the residence of the parent with whom he or she resides. The residence of an adult without active legal capacity is considered to be the residence of his or her guardian. Thus, everyone, except persons without active legal capacity have the right to choose their residence and the right to move freely.

Article 16.

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

According to Article 27 of the *Constitution*, the family, being fundamental to the preservation and growth of the nation and the basis of society shall be protected by the state, and married spouses have equal rights.

According to the *General Principles of the Civil Code Act* (RT I 1994, 53, 889), a natural person may enter into transactions either in person or through an agent. Transaction may not be entered into through an agent if according to law or agreement such a transaction has to be entered into in person. In accordance with Article 1 (5) of the *Family Act*, prospective spouses contract marriage with both being present in person at the same time.

A person who has previously been married must present a document certifying termination or invalidation of the previous marriage. The document may be a spouse's death certificate, certificate of divorce or a court ruling on divorce or invalidation of marriage. Polygamy is not allowed.

The current legislation sets out the preconditions for and hindrances to contracting a marriage. The main precondition is that marriage is contracted upon mutual consent of the prospective spouses. The law sets out hindrances to marriage, which could be the following: a marriage may not be contracted between persons if at least one of them is already married; between direct ascendants or descendants; between brothers and sisters and step-brothers and step-sisters, adoptive parents and adopted children, as well as between children adopted by the same person or between persons at least one of whom has been declared not to have active legal capacity.

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

Article 1 (2) of the *Family Act* stipulates that marriage has legal effect only if the marriage is registered at a vital statistics office upon contraction of the marriage.

In Estonia, there is no tradition of paying a bride award or dower. These activities are not regulated by law.

According to the *Family Act*, marriage is contracted between a man and a woman who are 18 years of age. As an exception, marriage may be contracted by a person who is 15-18 years old with a written consent of parents or guardian. Marriage is contracted upon mutual desire of the prospective spouses. A marriage is not contracted if a prospective spouse does not confirm his or her desire to marry or if a prospective spouse is not of the age to marry.

A marriage can be annulled though court. Annulment of marriage may be requested by a spouse who is a minor, his or her parent or guardian if the marriage was contracted without consent with another person who is a minor, or by a spouse if an ostensible marriage was contracted or if one of the spouses was already married before, as well as a spouse whose agreement for marriage was acquired against his or her will by fraud or duress. Both the woman and the man have right of recourse to court.

Marriages and marital behaviour

Registration of marriages has dropped rapidly since re-independence – compared to the 1970s and 1980s, the number of marriages by the end of the 1990s had dropped by more than twice, though in recent years (1996-1998) the decline has slowed down. In 1999, most marriages were contracted by women at the age of 20-24 and men at the age of 25-29. However, the decline of the registration of marriages does not mean a decline in consensual unions. The proportion of consensual unions has rather increased because attitudes to officially unregistered unions have become more tolerant. At the same time, the average age of people at first marriage has increased since 1990 due to postponement of contraction of first marriages. Unregistered unions are accepted by society.

Table 16.1. Marriages and mean age at first marriage, 1990–1999

Year	Marriages	Mean age at first marriage	
		men	women
1990	11 774	24,6	22,5
1991	10 292	24,5	22,4
1992	8878	24,7	22,4
1993	7745	25,2	22,9
1994	7378	25,6	23,4
1995	7006	25,7	23,5
1996	5517	26,1	23,7
1997	5589	26,3	24,1
1998	5430	26,5	24,3
1999	5590	27,1	24,7

Source: Statistical Yearbook of Estonia 1999, 2000

(c) The same rights and responsibilities during marriage and at its dissolution;

Spouses retain the same rights upon entering into marriage as they had before the marriage relationship. Equality of the spouses is protected by law. According to Article 6 of the *Family Act*, agreements that restrict the personal rights and freedoms of spouses are void.

Proprietary rights of the spouses are determined by law and marital property contract if it has been concluded. The property that spouses acquire during the marriage is joint property of the spouses. Spouses have equal rights to possess, use and dispose of joint property. Spouses possess, use and dispose of joint property according to agreement, in the absence of agreement the court at the request of a spouse will settle disputes concerning possession or use of joint property. The property that was in ownership of a spouse prior to marriage is his or her separate property just like property that he or she has acquired during the marriage through gifts or inheritance, and property that the respective spouse has acquired after the termination of the martial relationship as well as personal effects acquired during the marriage. The right of possession, use and disposing of separate property belongs to the owner of the separate property.

Upon entering into marriage, spouses have a mutual obligation to maintain a spouse who needs assistance and is incapacitated for work, and to maintain a spouse during pregnancy and child-care until the child attains three years of age. According to the Constitution, the family is obliged to take care of its needy members.

The law does not restrict the right of spouses to initiate a divorce and the administration of proceedings takes place pursuant to law on the basis of application by either of the spouses. According to the *Family Act* (see Art. 2 (a)), a divorce is executed conclusively in court. Previously, a marriage divorced in court had to be registered at a vital statistics office in order to give it effect. A vital statistics office grants a divorces if the spouses are in agreement and they submit a joint petition. If spouses are in dispute over the divorce, the divorce will be decided by court. Both a wife and husband have the right to turn to court. According to the court statistics, women more frequently initiate a divorce in court. A divorce is granted if the court ascertains that continuation of the marriage is impossible. Upon granting a divorce, a court will, at the request of the spouses, settle disputes concerning a child and disputes concerning payment of maintenance or division of joint property.

Certain obligations will continue also after the divorce. A divorced spouse who needs assistance and is incapacitated for work has the right to receive maintenance from his or her former spouse if the divorced spouse became disabled or attained pensionable age during the marriage. A divorced spouse has the right to receive maintenance during pregnancy and child-care until the child attains three years of age if the child was conceived during the marriage. If a marriage lasted at least twenty-five years, a divorced spouse has the right to receive maintenance from the divorced spouse even if the spouse who needs assistance attained pensionable age or became disabled within three years after the divorce.

Upon termination of marriage, joint property is divided. The latter is determined according to the situation at the time of factual termination of the marriage relationship. In the case of dispute, a court will divide the joint property at the request of one or both of the spouses. When dividing the joint property of the spouses, their shares are considered as equal, regardless of the fact that one of the spouses did not receive income in connection with raising of a child or for other effective reasons. Upon division of the joint property of spouses, the property remaining with each spouse is designated as a share in common ownership of things or proprietary rights and obligations. If upon division of joint property the value of the property remaining with a spouse is greater than his or her share in the joint property, a court will order monetary compensation to be paid by the spouse to the other spouse.

Divorces

Compared to the number of registered marriages, the number of divorces has been more stable throughout many years. As the number of registration of divorces is influenced also by the number of registered marriages, a general decline in divorces in the 1990s is natural. The number of divorces dropped significantly in 1998 when approximately 800 divorces less than in 1997 were registered. The decline of the number of divorces is probably also due to the increase of the number of consensual unions because those consensual unions that did not stand up to the test are not reflected in statistics. However, it has to be admitted that the rate of divorce in Estonia is still high. In 1999, there were 82 divorces per 100 marriages.

Table 16.2. Divorces, 1990–1999

Year	Divorces	Number of divorces per 1000 inhabitants
1990	5785	3,68
1991	5738	3,66
1992	6651	4,31
1993	5757	3,80
1994	5606	3,74
1995	7456	5,02
1996	5657	3,85
1997	5281	3,62
1998	4491	3,10
1999	4561	3,16

Source: Statistical Yearbook of Estonia 1999, 2000

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

The Constitution establishes the right and obligation of the parents to raise their children and care for them. According to the Constitution, when choosing education of children, parents have the final say. As parents, both women and men have equal rights and obligations with respect to their children.

The *Family Act* defines the rights and obligations of a parent (both mother and father) as follows: parents have the right and duty to raise a child and to care for a child. A parent is required to protect the rights and interests of his or her child. A parent is the legal representative of a child. As a legal representative, the parent has the mandate of a guardian.

A parent has the right to demand his or her child back from any person who has control of the child without legal basis. The parent does not have the right to the return of the child if the return of the child is evidently contrary to the interests of the child. A parent may not exercise parental rights contrary to the interests of a child - interests of the child are paramount.

The parent is required to maintain his or her minor child and a child who has become an adult but who needs assistance and is incapacitated for work. If a child attends basic school, secondary school or vocational school and continues to study there until becoming an adult and afterwards, a parent is required to maintain the child during his or her studies.

Parents have been given possibilities through legislation to exercise these rights and obligations. For example, the *Working and Rest Time Act* that is in force since 1994 requires an employer to make available to persons who raise a child under 1.5 years old, besides a general lunch break, also additional breaks to feed a child. These breaks are given at least every three hours with a duration of not less than 30 minutes each. A break given to feed two or more children under 1.5 years old has to be at least one hour long. At the request of the person, breaks to feed a child are added either to the lunch break or the working day is shortened by a relevant length of time. Breaks to feed a child are included in the working time and they are compensated on the basis of average wage from the means of the state budget through the national social insurance budget. Traditionally, these possibilities are first and foremost used by women.

The system of child benefits

The current legislation provides for a system of benefits and welfare for parents. Article 24 of the *Social Welfare Act* that is in force since 1994 imposes a requirement on rural municipality and city governments to administer child welfare and create an environment favourable for child development in order to support children and persons raising children, co-operate with family members, other persons and agencies concerned.

The *Child Benefits Act* (since 1 January 2000 the *Family Benefits Act*) that is in force since 1995 establishes the procedure for partial compensation by the state of expenses related to care, rearing and education of a child. According to the procedure, the types of benefits paid to parents are: childbirth allowance, child allowance, maintenance allowance, additional maintenance allowance (since 1 January 2000 maintenance allowance is replaced by child care allowance), single parent's child allowance, conscript's child allowance, child's school allowance, foster care allowance and start in independence life allowance. The following is a brief description of the benefits.

Childbirth allowance. Single childbirth allowance is paid to every first child at 20 times (25 times from 01.01.2000) the child allowance rate established by the state and to every next child at 15 times (20 times as from 01.01.2000) the child allowance rate. In the case of a multiple birth, childbirth allowance is paid to every child at 25 times the child allowance rate.

Child allowance. Child allowance is paid monthly from the birth of a child until the child attains 16 years of age. If a child is enrolled in daytime study at a basic school, upper secondary school or vocational educational institution or another form of study for medical reasons, child allowance is paid until the child attains 19 years of age. In a family with one child receiving a child allowance, the amount of monthly allowance equals the single rate of child allowance. In a family with two or more children receiving child allowance, the amount of monthly allowance to the second child is 1.5 times the rate of child allowance and to every next child twice the rate.

Until 1 January 2000, a person who was on parental leave (mother, father, guardian) was paid monthly maintenance allowance. Persons caring for children were also paid an additional maintenance allowance on certain conditions. Since 1 January 2000, the maintenance allowance and additional maintenance allowance were replaced by *child care allowance*.
(1) A monthly child care allowance is paid at one-half the child care allowance rate to one parent raising one or more children of up to 3 years of age for each child of up to 3 years of age.
(2) If, in addition to one or more children of up to 3 years of age, there are children between 3 and 8 years of age in the family, a monthly child care allowance is paid at one-quarter of the child care allowance rate to one parent raising the children for each child between 3 and 8 years of age. If a child subject to the obligation to attend school starts year one and attains 8 years of age during the given school year, the child care allowance for the specified child is paid until the end of the school year.
(3) In families with three or more children, a monthly child care allowance for each child between 3 and 8 years of age shall be paid at one-quarter of the child care allowance rate to one parent raising three or more children who are at least 3 years of age and who receive child allowance. If a child who is subject to the obligation to attend school starts year one and attains 8 years of age during the given school year, the child care allowance for the specified child shall be paid until the end of the school year.
(4) If one of the parents of a child of up to 3 years of age is on parental leave, child care allowance is paid to the parent on parental leave.
(5) If a person other than a parent uses parental leave, a monthly child care allowance is paid at one-half of the child care allowance rate to the above-mentioned person for each child with whom he or she is on parental leave, but not more than 1.5 times the child care allowance rate in total. Child care allowance for the specified children will not be paid to parents pursuant to section (1) of this Article.
(6) Under the conditions provided for in sections (1)–(4) of this Article, child care allowance is also to be paid to the caregiver with whom a written foster care contract has been entered into, or to the guardian.

Single parent's child allowance. Single parent's child allowance is paid monthly at the single rate (double the rate as from 1 January 2000) of child allowance to a single mother raising alone children of up to 16 years of age and children enrolled in basic school, upper secondary school or vocational school who receive child allowance. The basis for the payment of this benefit is the absence of entry concerning the father in the birth registration of the child or if an entry has been made on the basis of a statement by the mother. The benefit is also paid to a parent if the other parent is declared to be a fugitive pursuant to the procedure established by law.

Conscript's child allowance. A monthly allowance is paid for the children of conscripts in the armed forces at four times (at five times as from 1 January 2000) the child allowance rate during the entire term of military service of the parent.

Child's school allowance. A school allowance for the start of the school year is paid at three times the child allowance rate to children receiving child allowance and who are enrolled in basic school, upper secondary school or vocational school in daytime study, or in another form of study for medical reasons.

Foster care allowance. A monthly allowance is paid at twice the child allowance rate to children without parental care who are up to 16 years of age and children enrolled in basic school, upper secondary school or vocational school and receive child allowance, and for whom guardianship has been established or with respect to whom a written foster care contract has been entered into.

Start in independent life allowance. A start in independent life allowance of 5 000 kroons is paid to orphans or persons without parental care who have lived in a children's home or school for the disabled for at least the last three years.

The law guarantees also the rights of children born outside wedlock, establishing that if parents are not in a registered marriage all the children growing in the family are taken into account if parents and children live on common dwelling, the parents have a common household and they raise the children together, which they will certify with a written application that they will personally present to the Pension Board.

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

Family planning activities are co-ordinated by the non-governmental organisation the Estonian Family Planning Union (see also Art. 10 (h)).

At present, the Government is elaborating a national population policy. The Government has formed a committee of experts to review population policy assessments, needs, action plans and legislation (RT I 1998, 69, 1145; RT Addendum 1999, 110, 1427; 122, 1691). The committee has been given a task to work out general principles of population policy, implementation plans and concept for child and family policy (the state's family policy action plan has been described in more detail under Article 5 paragraph b).

The following principles are expressed in state's population policy:

i) to raise population growth,
ii) increase fertility, improve reproductive health and welfare of the family,
iii) reduce the number of induced abortions.

An advisory committee on family policy has been formed to analyse the state's family policy and make proposals for developing state's family policy; also to review draft legislation to regulate family policy, express opinion about the draft legislation and make proposals and shape the public opinion.

In Estonia, the right of women to decide on the number of their children and when to have children is not restricted by legislation. The state guarantees for women availability of necessary information concerning reproduction. The national secondary school and upper secondary school curricula approved by the Minister of Education prescribe family education as a compulsory subject during the whole secondary or upper secondary school programme. Part of the subject is also family planning. With the assistance of the state, information desks have been opened at policlinics where specialists advise young people on all issues concerning family and having children (see also Article 10 (h)).

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

With respect to guardianship, adoption and curatorship of children, women and men have equal rights. After divorce, as a rule the woman is given guardianship of children. After the death of a spouse, the other parent will be given the guardianship of children. Practical results normally do not differ from what has been established by law – deprivation of parental rights takes place upon court judgement.

A single parent has the right to demand support from the other parent regardless of whether a child was born from registered marriage or consensual union if the father of the child has been ascertained. Payment of maintenance is specified in an agreement or upon court ruling. In the latter case, the amount has been established by law and is linked to the amount of wages.

Surrogate mothers are not widespread in Estonia though the law does not prohibit it. In terms of civil law, when a surrogate mother agreement is concluded also rights and obligations are established in it. Mothers of children born through artificial methods have the same rights as others.

According to Article 38 (2) of the *Family Act*, a child descends from the mother who gives birth to the child. The law does not deal with the rights of surrogate mothers.
At the same time, if a man has given written consent to the artificial insemination of his spouse, the child is deemed to descend from him (*Family Act* Article 39 (6)). A donor for artificial insemination does not have the right to demand ascertainment of the identity of the mother or child or declaration of himself as father of the child (*Family Act*, Article 40(1)).

In accordance with the *Family Act*, as a legal representative of the child, the parent has the mandate of a guardian. The law regulates guardianship, curatorship and adoption.

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

Legislation effective in Estonia stipulates that upon contraction of marriage spouses choose the surname of one spouse as the common surname, both spouses retain their pre-marital surnames or, at the request of a spouse, the surname of the other spouse is added to the spouse's pre-marital surname. Upon divorce, a spouse who changed his or her surname upon marriage may retain the surname taken upon marriage or resume his or her pre-marital surname according to his or her wish. A change in surname will be noted in a court order or divorce registration. Changing or resuming of surname depends only on the wish of the persons.

> **(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.**

The topic is covered in more detail under Article 15, paragraph 2, point b.

The law guarantees the right of inheritance of children born outside marriage – a child who descends from parents who are not married to each other has the same rights and obligations with respect to his or her parents and their relatives as a child who descends from parents who are married to each other.

> **2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.**

According to the *Family Act*, a person who has attained 18 years of age is of age to marry. A minor between 15 and 18 years of age may marry with the written consent of his or her parents or guardian. If a child has one parent or the other parent is declared to be missing or without active legal capacity or if one parent is deprived of parental rights, the consent of one parent is sufficient for the minor between 15 and 18 years of age to marry. If even one of the parents or a guardian does not consent to the marriage, a court may grant permission to marry on the application of one parent or the guardianship authority. A court will grant permission to marry if the marriage is in the interests of the minor.

Betrothal has no legal meaning in the Republic of Estonia because the state and the church are separate, therefore betrothals of children are not a tradition. As mentioned before, there is also no tradition of bride award or payment of dowry in Estonia and these procedures are not regulated by law.

The topic was also covered under paragraph 1, points (a) and (b) of this Article.

Annex to the Report

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Annex: tables and figures

Article 2

Figure 2.1 Rapes and attempted rapes recorded by the police

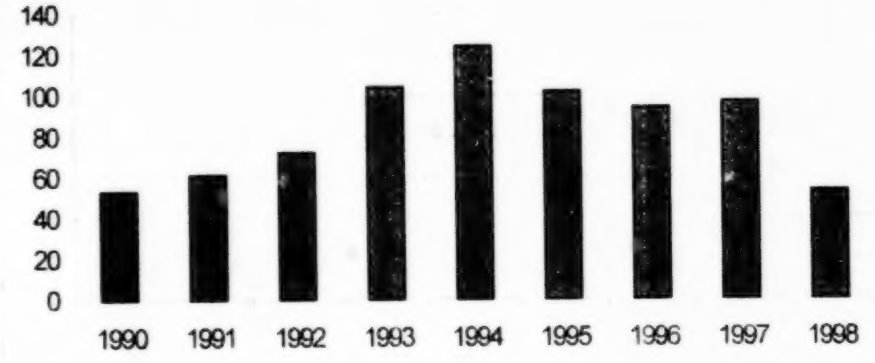
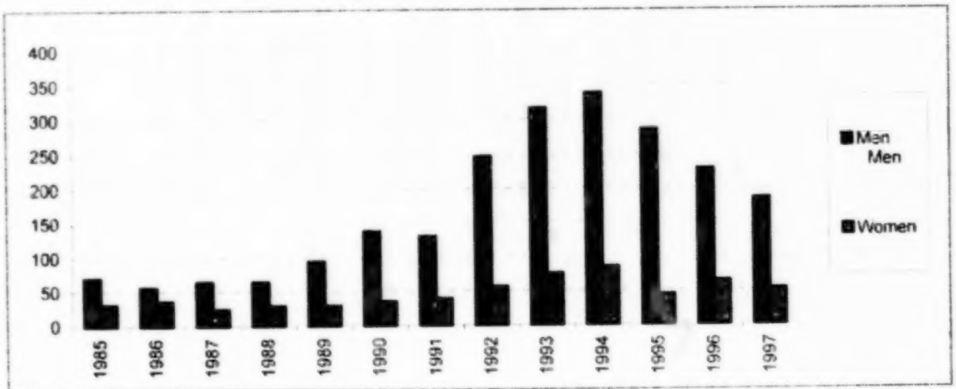
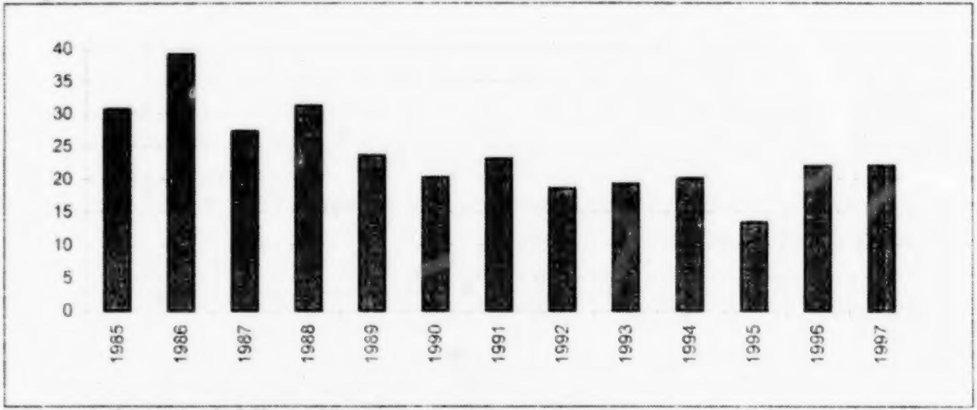


Figure 2.2. Homicides per year 1985-1997



Source: Statistical Office of Estonia

Figure 2.3. Share of females in the total number of those killed (%)



Source: Statistical Office of Estonia

Figure 2.4. Males and females killed, in 1997
(per 100 000 men/women in specific age group)

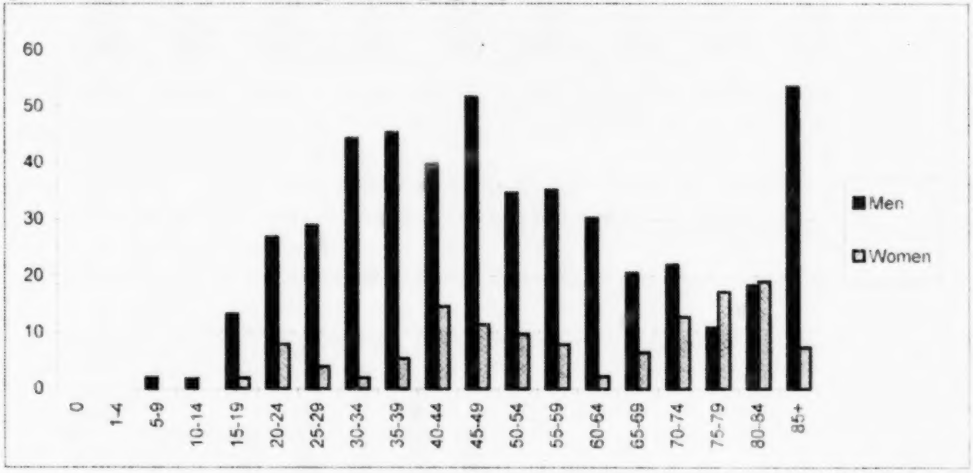
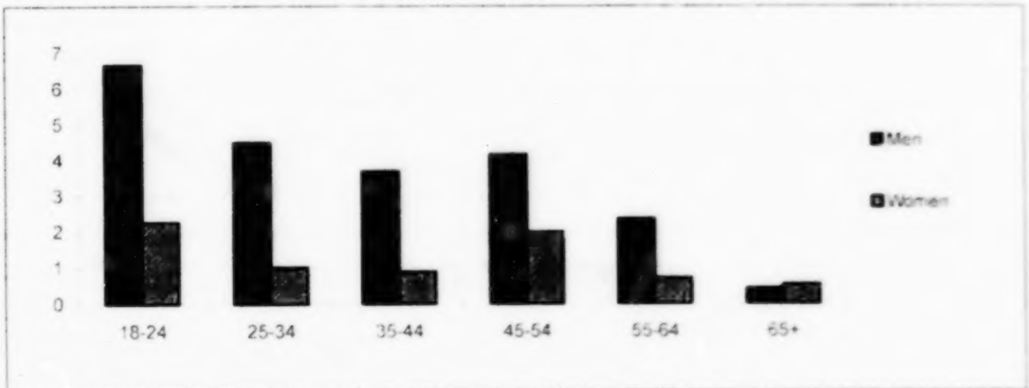
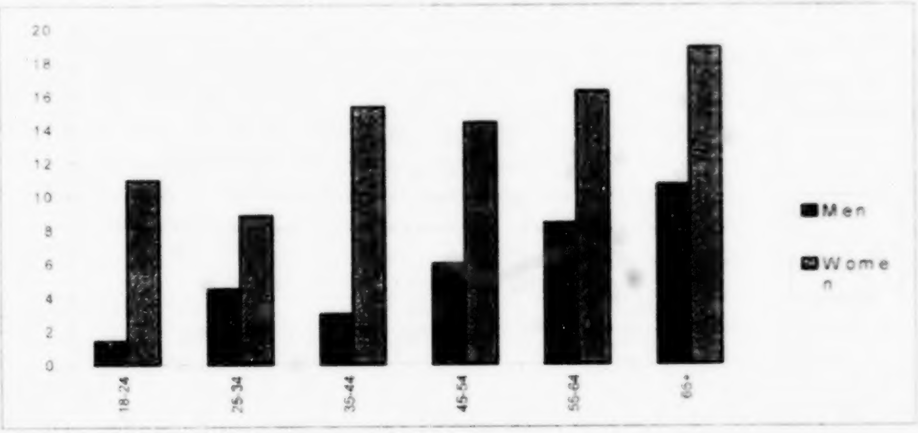


Figure 2.5. The share of victims of bodily injuries caused by violence



Source: Sillaste, Purga 1995

Figure 2.6. The fear of personal assaults or being threatened on the streets (according to the survey, as % of respondents)



Source: Sillaste, Purga 1995

Table 2.1 Share of victims of assaults during the year

Year	Total	Men	Women	Men / Women (difference between levels (times)
1994[1]	3,0	4,5	1,6	2,8
1993[2]	2,2	3,6	0,9	4,0
1995[3]	1,7	2,8	0,7	4,0

[1] 4435 respondents; age group 18 years and older
[2] 1000 respondents; age group 16-74 years
[3] 1173 respondents; age group 16-74 years

Article 5

Table 5.1.Child allowances

Type and substance of benefit	Beneficiaries, recipients of payment	Amount of benefit
Child allowance is a monthly allowance	the allowance shall be paid from the child's birth till the age of 16. If a child enrolls in daytime study or is on a different form of study in the presence of necessary medical evidences at comprehensive school, secondary school or vocational educational institution the allowance shall be paid till the child gets 19 years old. If the child attains 19 during the current school year then the allowance shall be paid until the end of the school year	• the first child once the child allowance rate (in 2000 it is 150 kroons); • the second child 1,5 times the child allowance rate (in 2000 it is 225 kroons); • every next child twice the child allowance rate (in 2000 it is 300 kroons)
Foster care allowance, monthly allowance	children without parental care and those who get child allowance	twice the child allowance rate (in 2000 it is 300 kroons)

Start in independent life allowance, paid only once	- orphans or persons without parental care - those who step into life from an orphanage or a special school for disabled	the allowance is 5000 kroons if the applicant lived at least the last three years to starting his/her own life in an orphanage or a special school for disabled. If he/she had lived in an orphanage or a special school for disabled less than 3 years the resettlement allowance is lessened 2,5% on every month less than 3 years
Childbirth allowance, paid only once	- *in case of the birth of the first child and of multiple birth 25 times the child allowance rate (in 2000 it is 3750 kroons);* - every next child's birth the rate is 20 times the child allowance rate (in 2000 it is 3000 kroons)	the rate of child allowance rate in 2000 is 150 kroons
Child care allowance, monthly allowance	- one parent raising a child up to 3 years or the person instead of the parent who uses the child care vacation ½ of the child care allowance rate on every child up to 3 years. (in 2000 it is 600 kroons); - in a family raising a child younger than 3 years and other 3 to 8 year old children, one parent ¼ of the child care allowance rate (in 2000 it is 300 kroons) on every 3 to 8 year old child; - in a family with 3 or more children getting at least 3 year child allowance for one parent on every 3 to 8 year old child ¼ of the child care allowance rate (in 2000 it is 300 kroons)	the rate of child care allowance rate in 2000 is 1200 kroons
Single parent's	- mother who gets child	twice the child allowance

child allowance, monthly allowance.	allowance and raises the child alone, if no entry has been made concerning the father in the birth registration of the child or an entry has been made on the basis of a statement by the mother; • parent who gets child allowance and raises the child alone if the other parent is declared to be a fugitive pursuant to the procedure established by law.	rate (in 2000 it is 300 kroons)
Conscript's child allowance, monthly allowance	for the children of conscripts in the armed forces	5 times the child allowance rate (in 2000 it is 750 kroons)
Child's school allowance	a child who gets child allowance to start every school-year	3 times the child allowance rate (to start the school-year 1999/2000 the allowance was 450 kroons)

Source: Estonian Social Insurance Board, 2000

Table 5.2. Children born out of registered marriage (%), 1992-1998

Year	**1992**	**1993**	**1994**	**1995**	**1996**	**1997**	**1998**	**1999**
Share of children born out of registered marriage (%)	34,0	38,2	40,9	44,1	48,1	51,6	52,2	54,2

Source: Estonian Human Development Report 1998, 1999; Statistical Yearbook of Estonia 2000

Table 5.3. Live births by mothers' age, 1988-1999

Year	**Mothers' age**							
	-16	16-19	20-24	25-29	30-34	35-39	40-44	45+
1988	11	2301	9433	7514	3969	1519	296	10
1989	19	2540	9407	7081	3790	1527	279	5
1990	12	2656	8391	6097	3436	1415	284	13
1991	16	2536	7677	4880	2760	1190	242	9
1992	39	2603	7222	4314	2537	1052	226	6
1993	27	2213	6030	3869	1983	861	174	8
1994	31	1968	5680	3614	1924	798	154	7
1995	46	1815	5207	3650	1884	785	162	7
1996	36	1682	4868	3780	1896	842	177	6
1997	39	1474	4341	3830	1878	850	211	3
1998	23	1334	4221	3696	1938	866	181	8
1999	17	1312	4284	3738	2062	914	208	8

Source: Statistical Yearbook of Estonia 1999, 2000

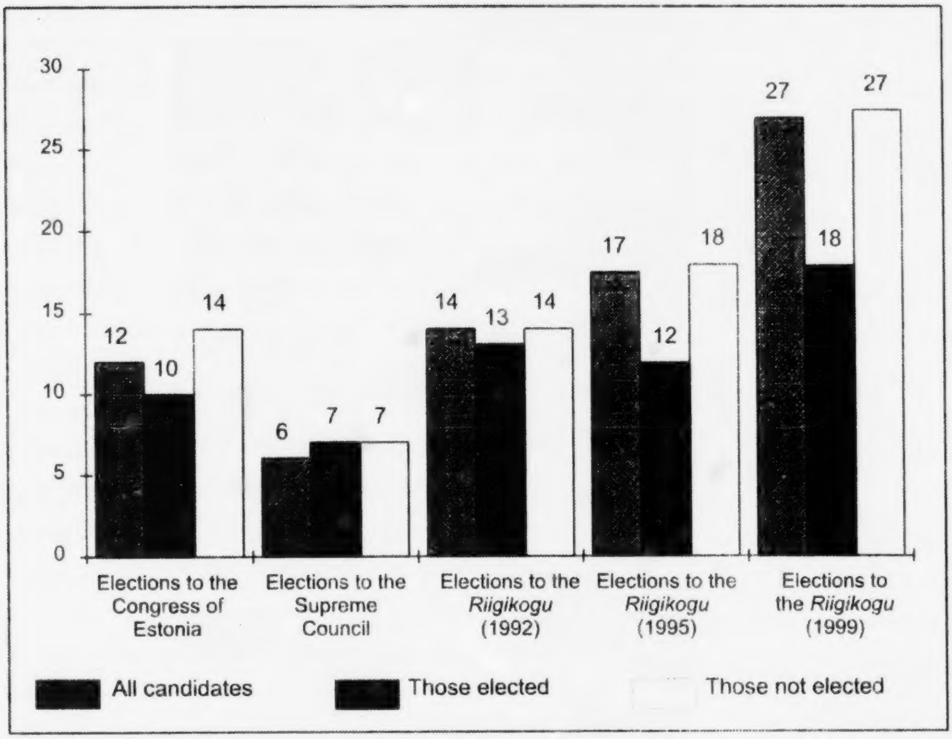
Article7

Table 7.2. Women in the polls and lists of political parties(%)

The Poll *The list of a political party*				
	1995	1999		October 1998
Russian Party in Estonia	-	44,5		.....
Estonian United People's Party	-	34,3		56,9
Russian Unity Party	-	-		59,0
Our Home is Estonia!	27,4	-		-
Justice	16,2	-		-
Estonian Social Democratic Workers' Party	-	-		39,8
Central Party	20,2	22,7		47,5
Progressive Party	-	30,8		56,2
Estonian Country-people's Party	-	17,46		31,8
Coalition Party (together with the Rural Union and the Pensioners' and Families' Party)	25,5			-
Coalition Party & the Rural Union	8,7	-		-
Coalition Party		-	-	30,5
The Rural League			-	46,7
Estonian Pensioners' and Families' Party		-	-	69,6
Farmer's Assembly	-	19,4		41,8
Estonian Blue Party	3,4	38,7		60,2
Moderates Party/ in 1999 together	25,7	31,0		41,5
Estonian Farmer' Party	13,7	-		-
The Right-Wingers	13,9	-		-
People's Party(incl. The Right-Wingers)			-	31,0
Estonian Christian People's Party		-	20,0	...
Pro Patria/ in 1999.Pro Patria and ERSP	17,4	22,47		30,4
Reform Party	20,4	20,3		28,5
Independent candidates	9,1	15,8		-
Estonian Democratic Union	38,9	-		-
Future Estonia Party	23,5	-		38,9
Estonian Nationalists Central League	21,2	-		-
Better Estonia/Estonian Citizen	16,4	-		-
Ind. Candidate List of Royalists and the Greens	14,8	-		-
Forest Party	6,9		-	-
Total/average	**17,4**	**26,9**	**45,5**	

Source: Raitviir, 1999: 17

Figure 7.1. Percentage of women candidates in parliamentary elections (%)



Source: Raitviir, 1999: 12

Figure 7.2. Proportion of women among all candidates in the 1995 *Riigikogu* elections, according to political parties

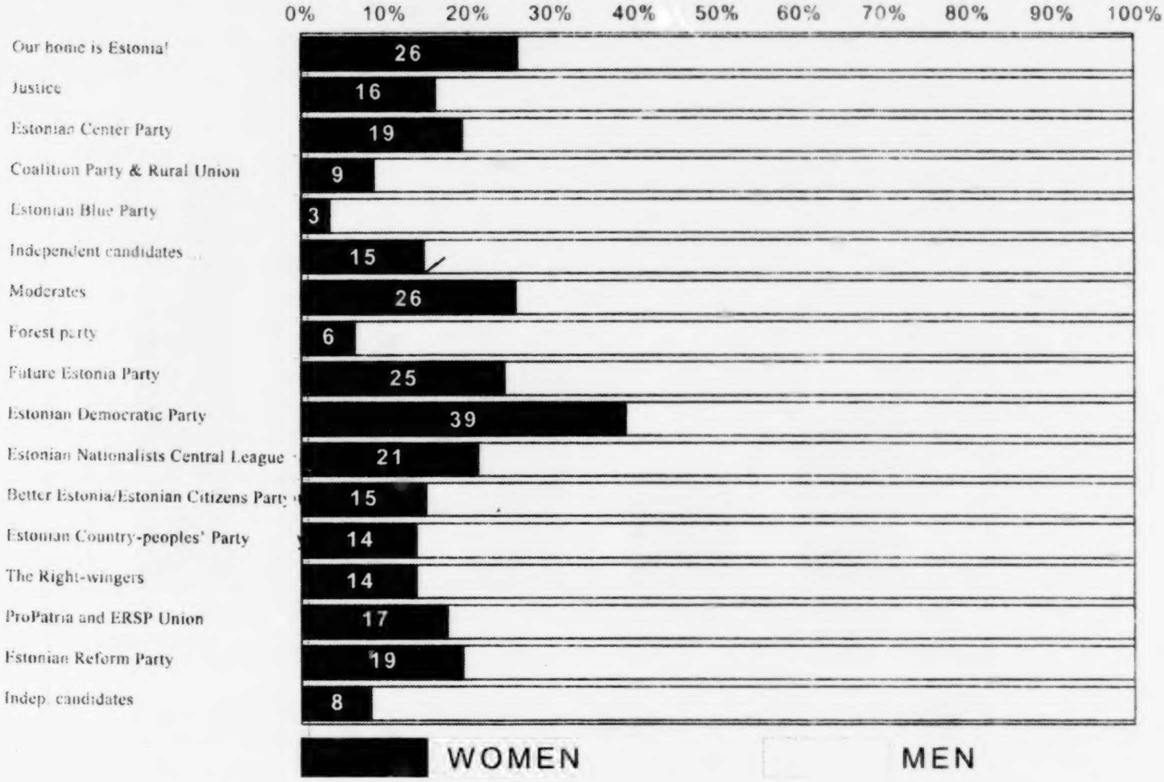
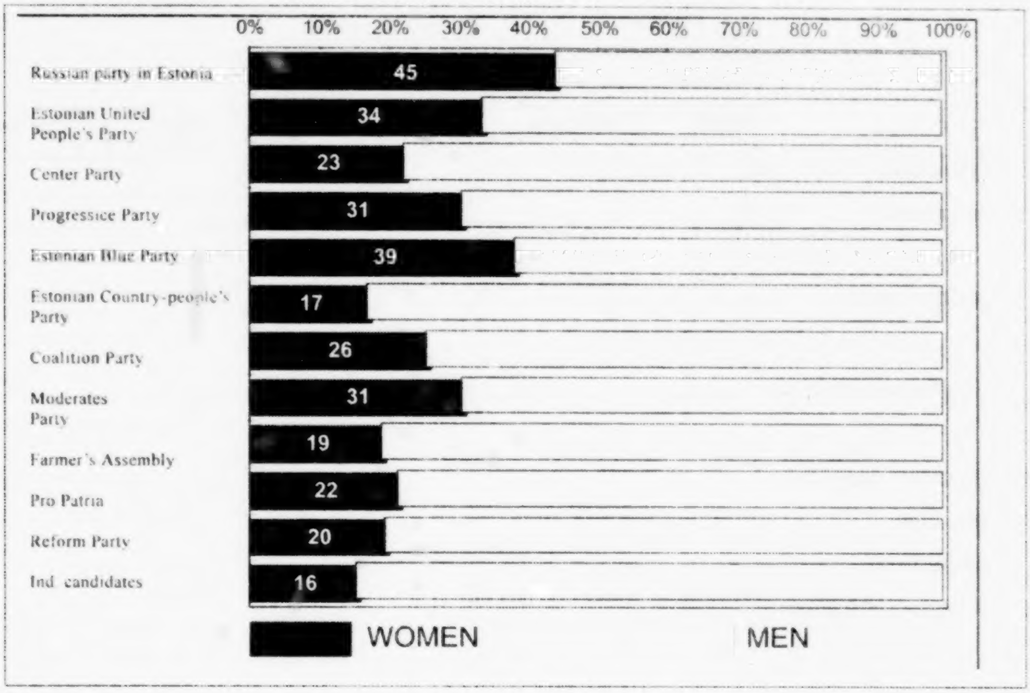


Figure 7.3. **Proportion of women among all candidates in the 1999 *Riigikogu* elections, according to political parties**



Source: Raitviir 1999:12

Article 10

Table 10.1. Working-age population by education

Educational level	People at working age 1995*		Young people 24-33 years old 1995**		20 – 60 years old 1997***	
	Men	Women	Men	Women	Men	Women
Pre-primary education	5	2	1	0.3	3	2
Basic education	15	9	7	4	13	11
Vocational education	}44	}40	}58	}46	29	17
General secondary education					22	24
Professional secondary education	21	30	21	31	19	26
Professional higher education	0.2	0.1	0.5	0.1	0.6	0.5
Higher education	15	19	11	18	13	20
Academic degree	0.9	0.3	0.7	0.1	0.7	0.4

*…24-56 years old women and 24-61 years old men (data from Estonian Labour Force Survey 1995)

** 24-33 years old (data from Labour Force Survey 1995)

*** according to the Adult Education Survey 1995

Table 10.3. The correspondence of level categories of the Estonian Classification of Education to those of ISCED (International Standard Classification of Education)

ESTONIAN CLASSIFICATION	ISCED-97 LEVELS
0 – pre-primary education	Level 0 – pre-primary education
1 – grades 1–6 of basic school	Level 1 – primary education or first stage of basic education
2 – grades 7–9 of basic school	Level 2 – lower secondary or second stage of basic education
3 – vocational courses for youth with special needs or without basic education	Level 2 – lower secondary or second stage of basic education
3 – gymnasium (grades 10–12)	Level 3 – (upper) secondary education
3 – vocational secondary and vocational courses for youth with basic education	Level 3 – (upper) secondary education
3 – vocational secondary and vocational courses for youth with secondary education	Level 4 – post-secondary nontertiary education
4 – professional secondary courses for youth with basic education	Level 3 – (upper) secondary education
4 – professional secondary courses for youth with secondary education	Level 5 – first stage of tertiary education
5 – higher professional courses	Level 5 – first stage of tertiary education
5 – diploma courses	Level 5 – first stage of tertiary education
6 – bachelor courses	Level 5 – first stage of tertiary education
7 – master courses	Level 5 – first stage of tertiary education
8 – doctor courses	Level 6 – second stage of tertiary education

Source: Statistical Yearbook of Estonia 2000

Table 10.4 Gender differences in educational system (females as % of males)

Year	**Upper secondary graduates**	University **full-time equivalent enrolment**
1993	134.7	104.0
1994	131.3	106.8
1995	129.6	108.4
1996	126.2	113.0
…	…	…
1998	120.8	130.2

Source: Estonian Human Development Report 1995-1999

Table 10.6. Share of females in the total number of students at higher educational level (%), 1995-1999

Year	1995	1996	1997	1998	1999
Higher education	52,0	53,0	54,7	56,6	56,3
Diploma courses	53,0	56,3	58,4	60,6	58,0
Full-time	49,4	55,3	57,2	60,0	55,3
Evening	57,4	58,5	61,0	62,4	60,5
Correspondence	71,2	61,9	60,8	61,2	63,8
Bachelor courses	52,0	51,7	52,8	53,8	54,9
Fulltime	51,8	51,9	53,1	53,9	54,9
evening	43,3	44,5	46,3	46,1	49,3
Correspondence	58,2	53,8	52,0	58,9	58,7
Master courses	51,7	53,8	55,6	57,9	58,5
Doctor courses	46,2	49,5	52,5	53,9	54,7

Source: Statistical Yearbook of Estonia, 1999, 2000

Table 10.10. Personnel engaged in research and development by field of science, 1999*

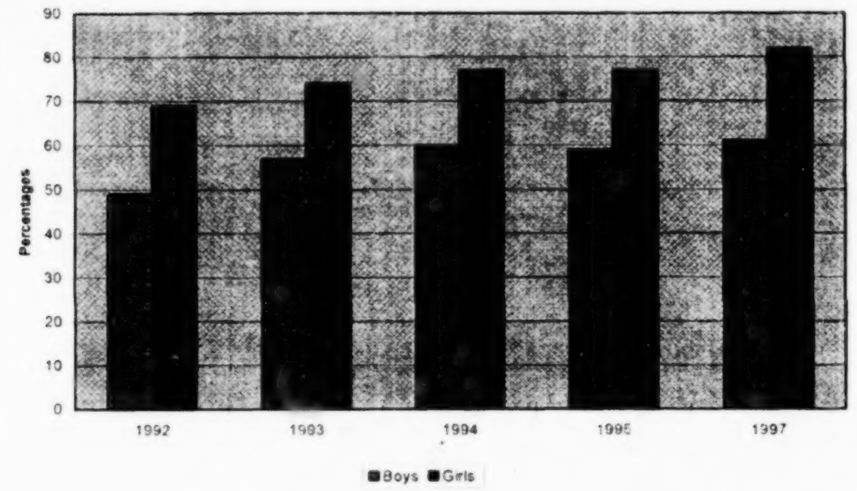
Field of science	Scientists and engineers		Technicians	
	total	*females (%)*	*total*	*females (%)*
Natural sciences	1222	33	218	68
Engineering	697	25	78	55
Medical sciences	433	56	172	90
Agricultural sciences	282	40	116	82
Social sciences	598	51	45	73
Humanities	680	64	84	76
Total	3912	43	713	76

Other supporting staff	
total	*females (%)*
820	67

*The business enterprise sector excluded

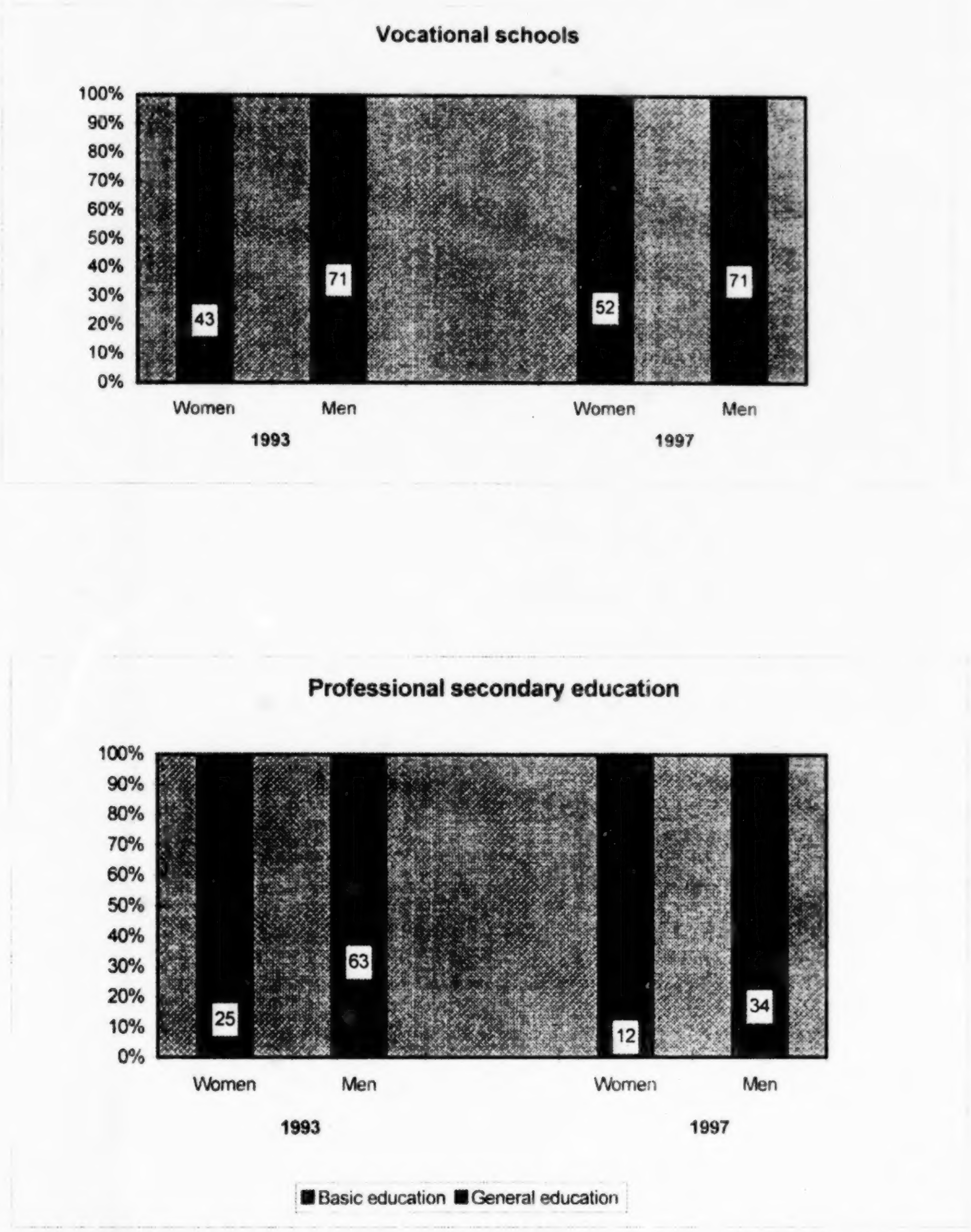
Source: Statistical Yearbook of Estonia, 2000

Figure 10.1. Percentage of graduates of general basic school enrolled at the secondary school



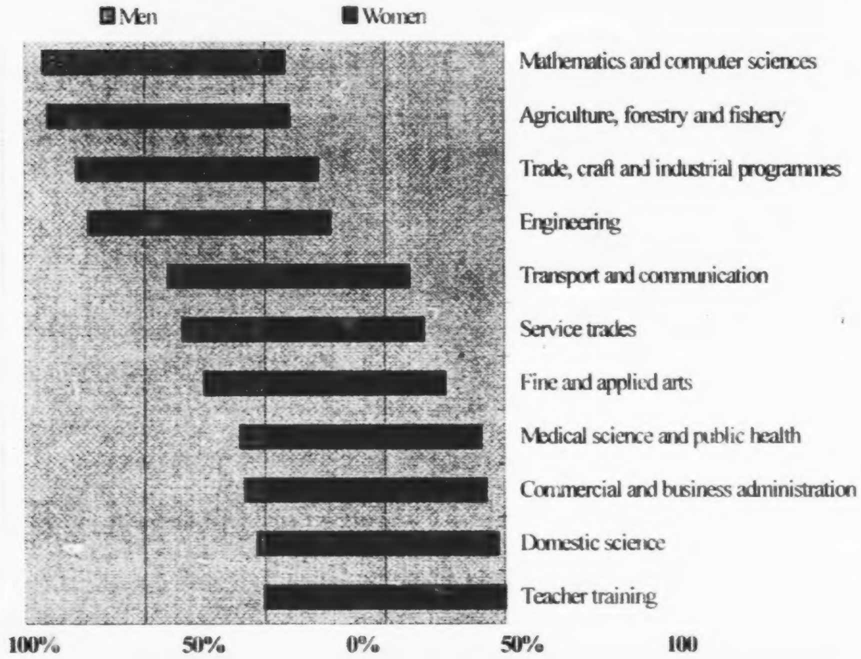
Source: Ruus, V. & Neudorf, R, 1995; Estonian Human Development Report 1997; Education 1997/98. Tallinn: ESA, 1998

Figure 10.2. Percentage of pupils enrolled at vocational secondary and professional secondary education by their previous education (%)



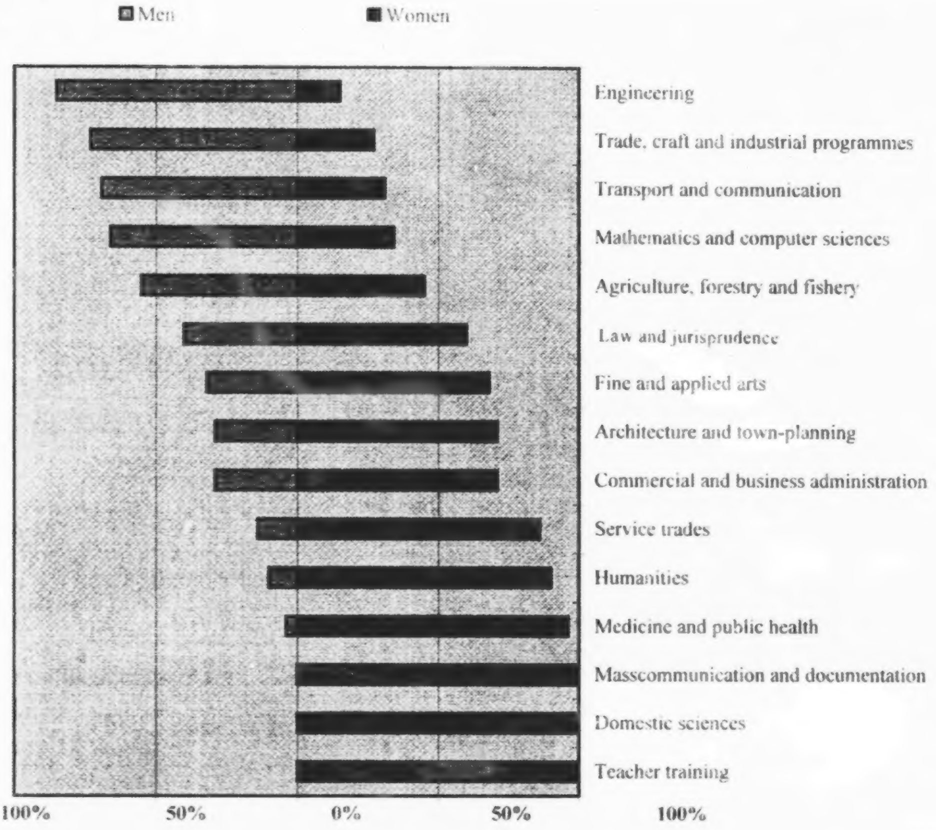
Source: Education 1993/1994 Tallinn: ESA, 1994; Education 1997/1998. Tallinn: ESA, 1998

Figure 10.3. Gender segregation in vocational courses by field of study in the academic year 1997/1998



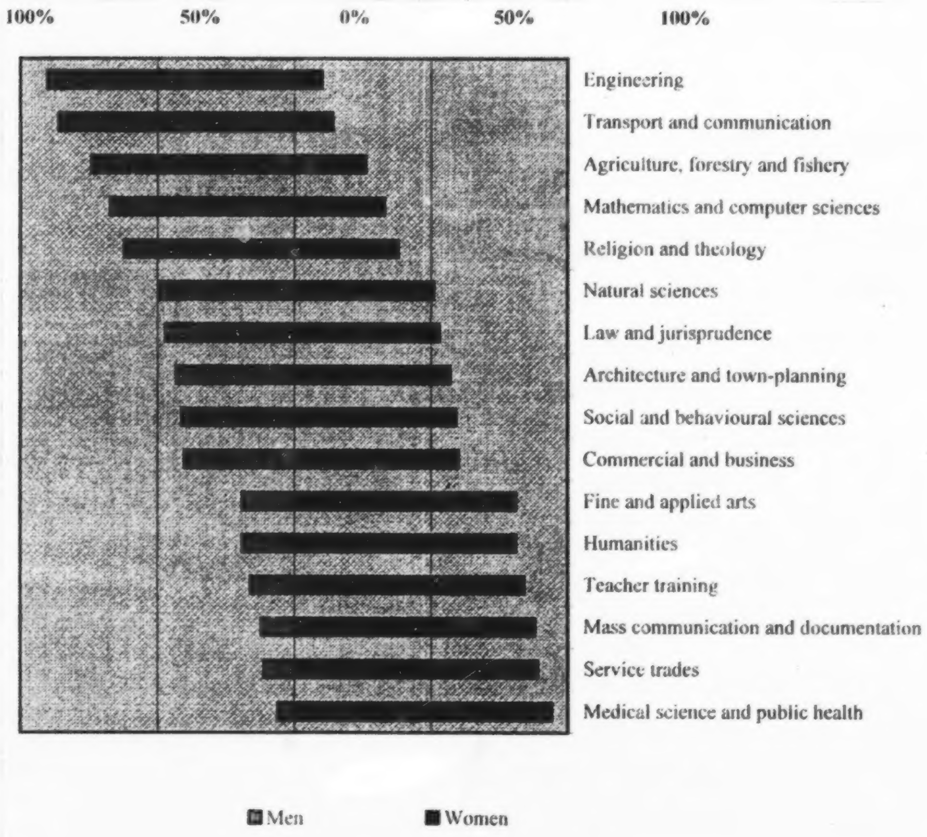
Source: Education 1997/98. Tallinn: ESA, 1998

Figure 10.4. Gender segregation in professional secondary courses in the academic year 1997/1998



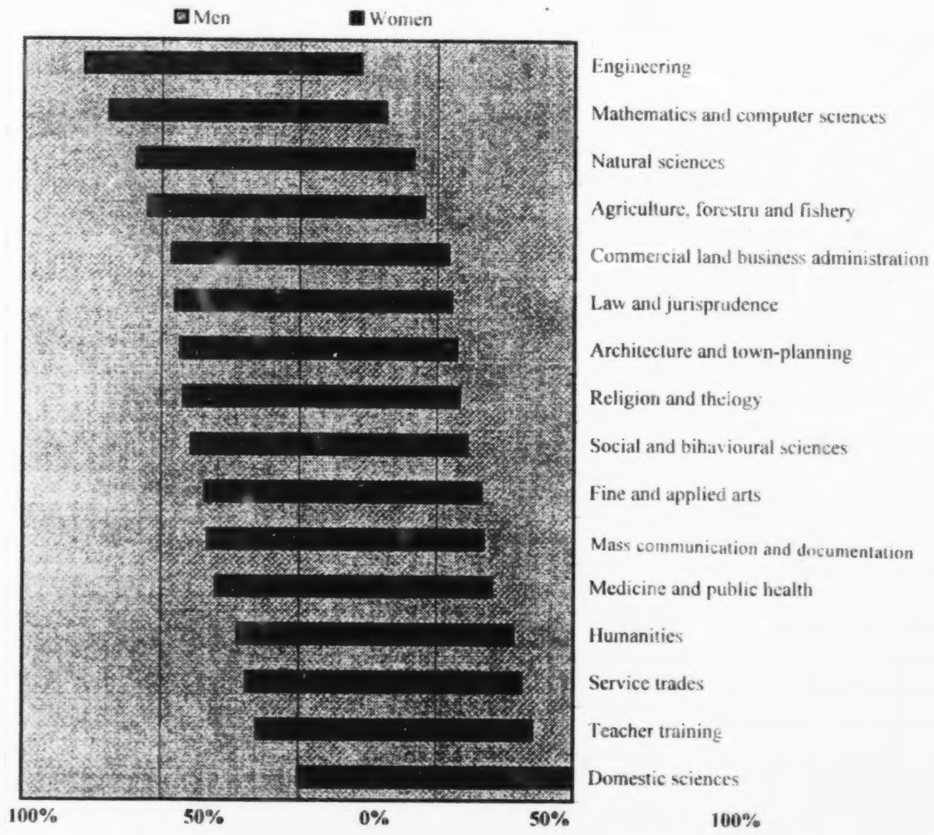
Source: Education 1997/1998. Tallinn: ESA, 1998

Figure 10.5. Gender segregation in higher education by field of study (diploma courses) in the academic year 1997/1998



Source: Education 1997/1998. Tallinn: ESA, 1998

Figure 10.6. Gender segregation in higher education by field of study (bachelor courses) in the academic year 1997/1998



Source: Education 1997/1998. Tallinn: ESA, 1998.

Article 11

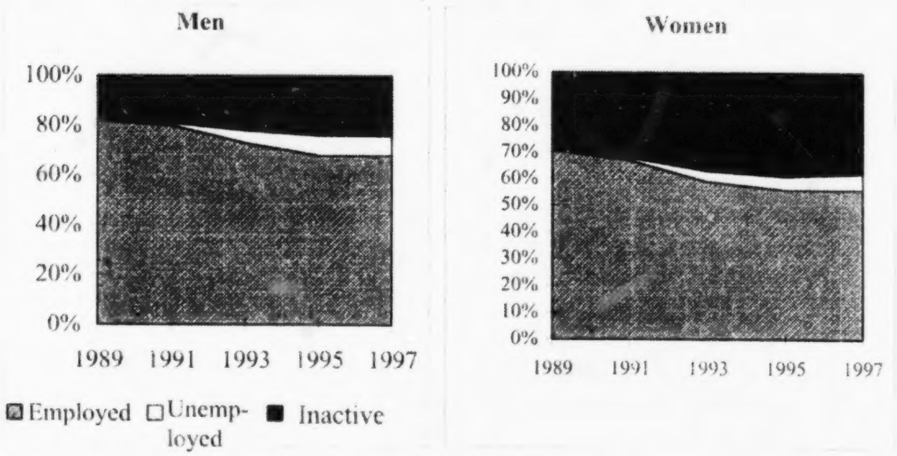
Table 11.2. Share of women's hourly gross wages in men's hourly gross wages by occupation, 1992-1997 (%)

	1992	1995	1997	Increase in rate of hourly wages 1992-1997 (1992=1)	
				Men	Women
Legislators, senior officials and managers	78.8	74.4	74.1	4,44	4,17
Professionals	88.1	76.2	72.9	5,38	4,45
Technicians and associate professionals	78.6	72.1	70.0	4,64	4,13
Clerks	89.2	75.8	90.2	3,75	3,79
Service workers and shop and market sales workers	84.5	61.9	63.2	3,83	2,86
Craft and related trade workers in agriculture, forestry and hunting	83.3	80.8	80.4	3,51	3,39
Craft and related trade workers	80.5	77.0	74.3	3,75	3,46
Plant and machine operators and assemblers	94.5	88.5	85.5	3,83	3,47
Elementary occupations	77.2	72.1	75.6	3,36	3,29
TOTAL	79.8	73.3	72.0	4,28	3,86

Source: Statistical Office of Estonia (Hourly Wages and Salaries 1992, 1995, 1997)

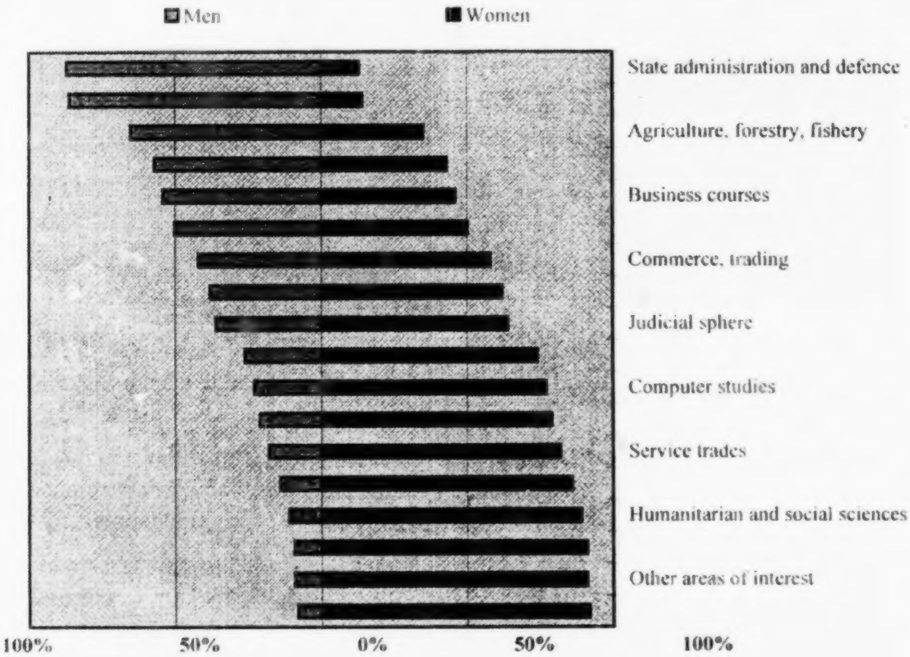
Figure 11.1

Economic status of the population aged 15 - 69 (%)



Source: Estonian Labour Force Surveys 1995 and 1997

Figure 11.3.Gender segregation in adult training courses by field of study



Source: Adult Training Survey, 1997

Article 12

Table 12.2. Health care personnel, 1990, 1993-1999 (at end-year)

Year	1990	1993	1994	1995	1996	1997	1998	1999
Physicians	5 498	4 792	4 680	4 585	4 457	4 521	4 471	4 426
Private physicians	-	100	136	195	284	444	853	1788
Physicians per 10, 000 inhabitants	35,0	31,8	31,4	31,1	30,5	31,1	30,9	30,8

Source: Statistical Office of Estonia

Table 12.4. Maternal mortality rate (per 100 000 live births)

1992	1993	1994	1995	1996	1997	1998
22,2	33,0	56,4	51,6	-	15,8	16,3

Source: Estonian Human Development Report 1998; 1999

Table 12.6. Births and natural increase

Year	Live births	Natural increase	Live births per 1000 inhabitants	Natural increase per 1000 inhabitants
1989	24 292	5 762	15,49	3,68
1990	22 308	2 778	14,20	1,77
1991	19 320	-385	12,33	-0,25
1992	18 006	-2 109	11,66	-1,36
1993	15 170	-6 097	10,00	-4,02
1994	14 178	-7 972	9,46	-5,31
1995	13 560	-7 312	9,14	-4,93
1996	13 291	-5 728	9,05	-3,90
1997	12 626	-5 940	8,66	-4,07
1998	12 269	-7 177	8,46	-4,95
1999	12 545	-5 910	8,70	-4,10

Source: Statistical Office of Estonia

Table 12.7. Live births by sex, 1990-1998

Year	Total	Boys	Girls
1990	22 308	11 494	10 814
1991	19 320	9933	9387
1992	18 006	9238	8768
1993	15 170	7887	7283
1994	14 178	7231	6947
1995	13 560	6971	6589
1996	13 291	6828	6463
1997	12 626	6550	6076
1998	12 269	6337	5932
1999	12 545	6421	6124

Source: Statistical Yearbook of Estonia 1999; 2000

Table 12.8. Deaths by sex, 1998-1999

Year	Total	Men	Women	% of females in total number of deaths
1989	18 530	8695	9835	53,1
1990	19 530	9424	10 106	51,7
1991	19 705	9596	10 109	51,3
1992	20 115	10 040	10 075	50,1
1993	21 267	10 711	10 556	49,6
1994	22 150	11 455	10 695	48,3
1995	20 872	10 860	10 012	48,0
1996	19 019	9634	9385	49,3
1997	18 566	9407	9159	49,3
1998	19 446	9861	9585	50,7
1999	18 455	9394	9061	49,1

Source: Statistical Yearbook of Estonia 1999; 2000